

Status of Human Rights among Untouchable Women in India: A Sociological study

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Abstract

The sections of Indian Hindu society that are beneath the entire caste system, who have historically been known as out castes or untouchables, are called 'Dalits'. The word 'Dalit' means 'broken' or 'ground down'. They are actually seen as 'non people'. The caste system has also been applied to Dalits to further divide them into several sub-castes. The renowned Dalit leader, Dr. B.R. Ambedkar actually encouraged the use of the term 'Dalit' not only to highlight the plight of the lowest castes but also to imbue them with a sort of collective identity as 'outcastes', which could motivate them to unite against the injustice and ignominy that they are constantly subjected to. The government uses the term 'Scheduled Castes' (SCs) for this marginalized section of society.

Key notes: Indian constitutional provision, Dalit movement, Human right awareness, Dalit Organisations & NGO's

Introduction

Scheduled caste women affected due to caste and gender discrimination. They are poorest among the poor. The roots of caste based oppression go back to the origins of the varanas and caste system in Hindu religion. Untouchability is the outcome of the caste system governed by the concept of purity and pollution; by interpersonal relationship among individuals being dictated in terms of food and occupation; and by rituals related to them being divided into pure and impure. Caste system and untouchability create the conditions of discrimination against the scheduled castes. It is clearly the violation of human rights of scheduled caste women. There is need to protect the rights of scheduled castes.

The scheduled caste women in India, particularly in a state with a long feudal history like north India, face persistent discrimination not just on the basis of gender but also numerous other factors like caste, community and religion. Most Dalit girls in the country are still dropping out of schools owing to poverty but even more Soto escape humiliation, bullying and ostracism by their classmates, society and even the teachers. these 'atrocities' lies an even grimmer reality that numerous scheduled caste experience every day of their lives—a reality that rarely makes the news through numerous quotidian acts, scheduled caste women are constantly reminded of their subordinate status. "Don't walk through the village street wearing bright clothes or sunglasses, or even with your shirt tucked in; you'll be harassed by upper castes making snide comments or worse." "Don't draw water from the village well or hand pump; your touch will make it 'dirty' for the upper castes." "At the village tea shop, use the glass that is set aside for you and wash it after you have finished drinking." These are routine instructions that every Dalit has been accustomed to hearing in the course of his/her life.

With their total number estimated to be 150 million, scheduled caste presently comprise about one-fifth of the entire population of India, yet bear a disproportionate share of its

socio-economic burdens. Not only do they usually fare the worst according to almost all indices of economic well-being or quality of life, but among all the underprivileged groups in India, only Dalits have to bear the legacy of the most humiliating social degradation inflicted on them through the centuries-old tradition of untouchability. The stigma of untouchability entails a distinctive form of suffering that pervades all aspects of everyday life, and encompasses the present, past and future. Unlike the tribal people in India, Who have lived until recently in relative isolation from the dominant culture? Society and economy, scheduled caste has always been an integral part of these, but is firmly at the bottom of the social hierarchy, below the ritually sanctioned 'line' of pollution.

Concept of Untouchability

To be an Untouchable in the Indian caste system is to be very low in, and partially excluded from, an elaborately hierarchical social order. Untouchables are persons of a discrete set of low castes, excluded on account of their extreme collective impurity from particular relations with higher beings (both human and divine). They make up about 16 per cent of the Indian Population and number about 1.50 million. They have been called by various names, such as 'Untouchables', 'Harijans' (a glorified term, coined by Narasimha Mehta and adopted and popularized by Mahatma Gandhi), 'Exterior Castes' (used by J.H. Hutton), 'Depressed Classes' (by British officials), 'Outcastes', 'Pariahs' (commonly, but undoubtedly derived from the Tamil word para or parai, the drum [see Deliege, 1997]). In more ancient times the terms Mlechha', 'Chandala' (used by Man), also Panchama (the fifth class), Avarna (i.e., outside the four varnas), Nishada, Paulkasa, Antyaja, Atishudra, etc., were used.

The term 'Scheduled Castes' appeared for the first time in April 1935, when the British government issued the Government of India (Scheduled Caste) Order, 1936, specifying certain castes, races and tribes as Scheduled Castes. Prior to that these population groups were generally known as 'Depressed Classes'. The term 'Dalit', first used in journalistic writings as far back as 1931 to connote the Untouchables, did not gain currency until the early 1970s with the Dalit Panther Movement in Maharashtra. As it is now used, it implies a condition of being underprivileged and deprived of basic rights and refers to people who are suppressed on account of their lowly birth.

Origins of Caste system and Untouchability in India

The origins of caste and of untouchability lie deep in India's ancient past and the evidence of these origins provided by the archaeological and literary sources now available is, at best, circumstantial. Consequently, scholars have been forced to engage in considerable speculation in their efforts to reconstruct the past history of untouchability. What we now have are not hard clear facts but a variety of competing theories, all of which have proved difficult to substantiate in a convincing manner.

The dominant view traces the origins of caste and untouchability to the Aryans and to their ways of relating to the peoples of India with whom they came into contact. The Aryans, a set of related and highly self-conscious tribes sharing a common language and religion, began their invasion of India from the northwest in around 1500 B.C. For centuries they remained in seemingly constant conflict with the indigenous peoples, whom they looked down upon as culturally inferior and shunned as ritually unclean. Once conquered by superior military technology, some of these peoples withdrew into regions as yet unoccupied by the Aryans, while others were incorporated as separate and inferior castes within Aryan-dominated society. In

post-Rigvedic literature there are more frequent references to primitive forest-dwellers who were kept on the fringes of Aryan society in the conquered regions. Among these were the Chandalas. Although the Chandalas were severely stigmatised in the later Vedic age, it was only in the period between 600 B.C. and A.D. 200 that untouchability appeared as such (Webster, 1994: 2). In the Dharmasutras and in Kautilya's Arthashastra the Chandalas are treated as Untouchables and the 'mixed caste theory' of the origins of untouchability is enunciated. However, it is in the Manusmriti that this theory as well as the varna theory and the classification of castes in a hierarchy based on occupation and degree of pollution, receives its classic statement.

According to Manu, the ancient Indian law-giver, untouchability is the punishment for miscegenation, between a member of a high caste and that of a low caste or an out caste. The children of such an unequal pair become Untouchables, and the greater the social gap between the two parents, the lower the status of their children. The consequences are also more severe if the mother is of the superior caste. Thus the offspring of a Brahmin father and a Shudra mother is called Nishada; the child becomes a fisherman. The offspring of a Shudra father and a Brahmin mother is called Chandala; he is the most degraded of all mortals. To Manu, degraded occupation is not the cause of untouchability, rather untouchability condemns a person to a low and impure occupation. In later times, racial mixture was added as a factor of impurity. In the period after Manu, increasing numbers of the members of the lower castes belonged to different races and cultures. The practice of untouchability was intensified and applied to more groups in the years following A.D. 200, while Chandala became a label not simply for a tribe but for all whom the Aryans considered to be at the very bottom of society. What has been described thus far relates to North India. The literature from South India suggests that the people whom the Aryans conquered were Dravidians, who subsequently moved south subjugating the indigenous people. It was only later, when Aryan influences spread to the south that the varna system and untouchability came into being there.

Dr. Ambedkar's thesis on the origin of untouchability, as expounded in his book *The Untouchables* (1948) is an altogether novel one. The distinction between the Hindus and the Untouchables in its original form, before the advent of untouchability, was the distinction between Tribes-men and Broken Men from alien tribes. It is the Broken Men who subsequently came to be treated as Untouchables. There are two roots from which untouchability has sprung: a) Contempt and hatred for the Broken Men, as for Buddhism by the Brahmins, b) Continuation of beef-eating Broken Men after it had been given up by the others. Dr. Bhim rao Ambedkar tries to explain what he means by Broken Men. He proposes an ingenious hypothesis: When primitive society began to settle down and to cultivate, certain tribes remained nomadic and warlike. They began to attack the settled tribes as the latter were wealthier. In addition, they had grain which the nomads wanted but did not possess. The settled men needed defenders as they had lost their warlike spirit. They employed 'Broken Men'— defeated nomads, and stray individuals who needed protection and shelter. These became mercenaries of the settlers, but were not allowed to stay within the settlement. They were kept at a distance, as they belonged to a different tribe. They were treated with disrespect, as 'Broken Men' and as mercenaries.

Dr. Ambedkar provided supporting evidence for such a process from Ireland and Wales. The difference was that in those countries the outsiders were absorbed into the settled community

after nine generations. This did not happen in India, for the Hindus had contempt for the Broken Men who were Buddhists and beef-eaters.

Statement of the Problem

Historically, the caste system constitutes the socio-cultural and economic fabric of the entire population of India. It may be reiterated here that the caste system is based on the *Manusmriti*, which lays down the norms to be followed by different social groups. The caste system divides people into different social groups for which the respective rights are assigned and determined by birth and heredity. These rights are unequal and hierarchical. Those on top of the social ladder enjoy all the benefits and do little work whereas those at the bottom of the hierarchy enjoy virtually no benefits and are condemned to do most of the works that are considered menial and impure.

This system is maintained through a strict system of enforcement, whereby the deviants are meted out stringent punishments. It is obvious that the doctrine of inequality lies at the core of this highly oppressive and discriminatory caste system. Albeit, the caste system has been abolished by law, and the right to equality, regardless of gender and caste, has been enshrined as a fundamental right in the Constitution of India. However, in spite of this Constitutional provision, the Government has acknowledged the prevalence of powerful institutional forces like caste, class and community, and religion, and their role in shaping people's mindsets, which, in turn, cause them to accept inequality, social and economic persecution, and segregation.

Significance of the Study

We studied secondary data like national human rights commission record, books and newspapers. The status of dalit women is one of the worst in the country. There is no doubt that violence both mental and physical has increased during the last money years but neither the police nor the prosecution have been sensitive to the cause of the dalit women. Various studies have shown that most of the cases have ended with a final report duly accepted by the court in which the accused have been let off because the 'incident never took place'. In the absence of any objective assessment on status of Dalit women recently in India it was necessary to assess the impact of the action taken by the national government and the administration to improve the status of dalit women and to prevent them from total marginalization.

Statistics show that there is a huge difference in the literacy and health indicators between the general caste women and the dalit women. It may take decades for a dalit woman to reach the level of general caste women. The study has also looked into the background of violence. The sheer helplessness in getting to police, the delay in getting justice if the hurdle of the police is crossed, the weakness of the legal procedures, the feudal mindset and the torture when asking for justice has also been studied. Whether the fear of violence has any impact on dalit women exercising their social, economic and political rights has also been examined.

Review of Literature

The topic of Dalit women human rights is of a crucial importance in the contemporary Indian situation, particularly in the context of new social movements silenced today by narrowing their democratic space. By using the term '*Dalit women*' We are creating an imagined category. This imagining is necessary because we hope that Dalit women in near future will give new crucial dimensions to Indian feminist movement as well as Dalit rights.

Sudhakar (2008) points that as per the 2001 census 9,867 Arunthathiyars (4,993 men 4,874 women) were in Tirunelveli district. Because of their economic backwardness and illiteracy, they are doing the night soil cleaning works.

Shinde (2005) explains that as dalit men migrate the cities in search of jobs, women are left to work as agricultural labourers in rural areas. They, then become targets to high caste men. Further, he states that most Indian girls and women in India's urban brothels come from lower-castes tribal or minority communities. Like other forms of violence against women, ritualized prostitution, activists believe, is a system designed to kill whatever vestiges of self-respect the untouchable castes have in order to subjugate them and keep them underprivileged. By keeping dalit women as prostitutes and by tying prostitution to bondage in rural areas, upper caste men reinforce their declaration of social and economic superiority over the lower castes. High drop out rate among dalit women in primary schools is the discriminatory and insulting treatment that they receive first from their non-dalit teacher and from their fellow students.

Khandela (2004) violence against Dalit women continued from infanticide to dowry-related deaths to attacks on women whose male relatives were sought by the police. A major campaign on Dalit rights gathered strength, but some human rights defenders were targets of a state sponsored backlash against their activism. Caste violence continued to drive the impoverished state of Bihar.

Roy (2003) states that poverty, illiteracy, ignorance are the reasons of prostitution and two third of the total Hindu girl prostitutes were from the Scheduled Caste /Scheduled Tribe and other backward castes. Poverty is the main reason behind child prostitution and girls being pushed back into the trade by the parents even after they were rescued. Human Rights Watch (1998) states that women are attacked by members of the upper castes, the police, security forces and private militaries or armies hired by Thevars. Again it states that dalits and other poor minorities found that they disproportionately represented among those detained and tortured in police custody because of their caste discrimination.

Human Rights Watch (1998) points out that rape of dalit women is a common phenomenon in rural areas. Women are raped as part of caste custom or village tradition. According to Dalit activist, dalit girls have been forced to have sex with the village landlord. In rural areas, women are induced into prostitution (Devadasi System) which is forced on them in the name of religion. The prevalence of rape in villages contributes to the greater incidence of child marriage in those areas. Early marriage between the ages of ten years and sixteen years persists in large part because of Dalit girls' vulnerability to sexual assault by upper caste men. Once a girl is raped, she becomes unmarriageable. An early marriage also gives parents greater control over the caste into which their children are married. Dalit women are also raped as a form of retaliation. Women of scheduled castes and scheduled tribes are raped as part of an effort by upper caste leaders to suppress movements to demand payment of minimum wages, to settle share cropping disputes, or to reclaim lost land. They are also raped by the policeman in the pursuit of their male relatives.

Objectives of the Study

1. To find out the causes of factors awareness of human rights among Untouchable women in India.
2. The role of the society and the government in preventing the human rights.
3. To find out attitude of untouchable women towards these human rights.
4. Difficulties face by the untouchable women in getting rights.

Status of Scheduled Caste Women in Modern India

The Dalit community constitutes about 250 million people and almost half of them are women. Dalits are the most marginalized caste group in the hierarchy of Indian society (Mittal, 2010) and highly prone to incidents of violence against them, ranging from verbal abuse to physical assault, sexual harassment, rape and even murder. According to Ruth Manorama, an active member of the National Campaign on Dalit Human Rights and the National Alliance of Women, "Dalit women face a triple burden of **caste, class and gender**." Dalit women, therefore, need to be distinguished from both "women" and "dalits". According to Manusmriti, a brahmin, Kshatriya or vaishya could sexually exploit any shudra woman. Even the killing of a shudra woman was justified as a minor offence for a Brahmin. It was equal in gravity to the killing of an animal. Most of the dalit girls are still dropping out of schools owing to poverty but more to escape humiliation, bullying and isolation by classmates, society and even the teachers. There is still the danger of molestation if school is some distance away from the dalit habitation which itself is far outside the main village. According to the Ministry of Labour, 85% of the dalit women work as agricultural labourers, scavengers, sweepers and disposers of human waste. Human Right Watch is on record that sexual abuse and other forms of violence against dalit women are frequently used as tools by landlords and the police to inflict "political" lessons and to crush individual or collective dissent within dalit communities. They are arrested and raped in custody as a means of punishing their male relatives who are hiding from the police. There is a pattern of impunity in attacks on women. In most cases there is no investigation even, let alone conviction. The atrocities are much more vulgar and parading in the naked, gang rapes, eating human excreta are common. Sexual violence is even linked with debt bondage. Dalit women are often victims of trafficking and forced sexual labour, such as the devadasi and jogini systems of forced prostitution in India and in Nepal. In Pakistan, women from "scheduled castes" fall victims to sexual abuse, abduction and forced conversion of religion. Although it is alarming, crimes are grossly underreported and the levels of enduring violence against dalit and other minority women and girls is much higher than official data shows. Violence is perpetuated against Dalit women each day in both public and private spheres by the family, community and State actors. Dalit women and girls who challenge caste hierarchies or stand up for their rights are frequently targeted with violent retaliation by those who benefit from the caste system. "National Crime Records Bureau data records reveal that more than 5 Dalit women are raped every day in India"

Provisions in the Indian Constitution

The right of equality is a fundamental one. However, the institution forces arraigned against it are more powerful and extent control and shape people's mindsets. Factors like caste, lass, community, religion, locality, family, occupation all combine to affect dalit women and men alike, making then accept caste inequality as something given without the need for questioning.

Article- 14 of the Constitution provides that “State shall not deny to any person Equality before law of the equal protection of the laws”. Article- 15 states that “State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

However, in spite of all the Constitutional safeguards and the Indian Penal Code and the Criminal Procedure Code safeguards for women as well as different laws meant to support women's honors and dignity, the strong impact of caste of Bhanwari Devi. It is a typical case of rape of a lower caste woman as a weapon of retaliation use to punish and silence women's right activists. After the rape, when Bhanwari approached the police, she was told that she was too old to be attractive to man and no one would like to rape her. When there was furor and the case was registered, the trial judge held that as all the accused were middle-aged they could not have penetrated her. Also no upper caste man would defile himself by raping a lower caste woman! This is also not an isolated case. There are many reported from all over the country. There is a strong prejudice which women, especially, dalit women face all the way to the top of the judicial system.

Crimes against Untouchable Women's

The two major legal enactments have been made at the national level to protect the Scheduled Caste and Scheduled Tribes:

I - Protection of Civil Rights Act 1955; and

II- SC/ST (Prevention of Atrocities) Act 1989.

The PCR Act was enacted in furtherance of Act 17 of the Constitution to abolish untouchability and its practice in any form. The SC/ST (Prevention of Atrocities) Act was brought into force to check and deter crimes against SC/STs by persons belonging to other communities. Crime against women belonging to SC/ST can be broadly categorized under two major heads:

1. Under the IPC like murder, hurt, rape, kidnapping and abduction
2. Under Special Laws like the PCR Act and SC/ST Act.

The Indian caste system is not a “divine proclamation” and the Vedas do not refer to any mandated caste system as a part of the Hindu religion. Moreover, other religions like Muslim, Sikhs and Christians also practice it in some manner. Broadly speaking, the caste system can be viewed as a system of exploitation of the poor, low ranking groups by more prosperous high-ranking groups. For ages, land has been largely held by dominant castes, high ranking owners of property that economically have been exploiting the low ranking, landless labour and poor artisans, simultaneously looking down upon them with ritual emphasis on their “God-given inferior status”.

Let us begin with the definition of the word ‘violence’ for our purpose. Violence is an act of aggression and abuse that causes or intends to cause injury, harm to persons. It also connotes an aggressive tendency to act out destructive behavior. Violence can be both random as well as coordinated, which includes actions carried out by sanctioned or unsanctioned violent groups. Aggression is behaviors that are intended to cause not only harm but also pain. Aggression can be physical as well as verbal. Abuse causes harm. In the context of a dalit woman it can be sexual, physical and verbal. It can inflict harm to the body and can also injure feelings. An atrocities describes crimes or excesses ranging from an act committed against a single person to one committed against an ethnic group. When we are talking about violence or atrocities dalit women, we have to take into consideration all these aspects. Violence against women is a term used to collectively refer to violent acts that are primarily or exclusively committed against women. Victim's gender is the primary motive for the violence. The United Nations General Assembly defines “violence against women” as “any act of gender-based violence that results in,

or is likely to result in physical, sexual or mental harm of suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Scheduled Caste and Scheduled Tribes Act 1989

The machinery for effectively enforcing the provisions of the Scheduled Castes and Scheduled Tribes (Preventions of Atrocities) Act, 1989, needs to be made more stringent at the grassroots level that is, at the police stations, by creating a separate cell to be manned by Scheduled Caste/Scheduled Tribes officials for dealing with such cases. Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which relates to 'punishment for neglect of duties' needs to be amended to include public servants belonging to the Scheduled Caste and Scheduled Tribes. Not more than 10 per cent of the cases registered under the Protection of Civil Rights Act, 1995, end in conviction in the lower courts, which raises questions about fairness on the part of the investigators, and at the trial and judicial levels. There is hardly any instance wherein state governments have filed any appeal before the High Courts against a decision of the lower courts in cases under the PCR Act. Proper directions should thus be issued to the states to review all such cases and find out why an appeal against the judgments of the lower courts could not be filed in the High Court's /Supreme Court.

Although special cells, headed by the Additional Director General of Police, have been set up for investigating cases registered under the SC/ST Atrocity Act in certain states including Rajasthan, they are ineffective because they have only the authority to inquire into the cases and supervise the investigation but no authority to charge sheet the accused in a court of law.

The Government of India provides 50 per cent of the expenditure for maintaining this special enquiry cell while the balance 50 per cent of the expenditure has to be borne by the respective state governments. However, the state governments don't take much interest in strengthening this department. It is thus recommended that 100 per cent of the expenditure to be incurred on the enforcement of the SC/ST Act, from the police station level to the court level, should be borne by the Government of India. The stipulation of granting free legal aid for fighting the cases of SC/STs also needs to be reviewed thoroughly, as this provision has been reduced to a mere formality. Consequently, many SC/ST under trials, deprived of legal assistance, continue to languish in jail for long periods without either being prosecuted or sentenced. No one comes forward to get them released on bail even when they are accused of only petty offences.

CONCLUSION

It may be concluded from the above chapters and the concomitant findings that the society in India is still steeped in caste norms and discrimination, leading to a number of paradoxes and contradictions. We are well into the twenty-first century, and yet we continue to tolerate casteism and the inhumanity and injustice that the age-old caste system perpetuates. Even today, separate utensils are kept for Scheduled Caste (SC) customers in restaurants and *dhabas*. If any Dalit even touches a member of the upper castes, the latter feels constrained to take a bath. If a Harijan marriage is taking place in a village, most of the upper caste owners of the hotels and restaurants shut down their establishments. Many of the women agricultural labourers belonging to the lower castes are routinely raped or sexually exploited. They are also accused of being witches. They are never paid their full wages. Even in the Government-run Integrated Child Development Scheme, most of the upper-caste government officials refuse to touch the food prepared by a Dalit woman

in the *anganvadi* or stay at her house. This mentality continues to prevail widely in most rural areas of the country. The study reveals that the violence perpetrated against Dalit women is highly influenced by the latter's weak economic condition, and lack of education and awareness about their rights. Their extreme poverty compels them to work as agricultural labourers in the fields owned by the upper castes while lack of knowledge about their legal rights causes them to tolerate all kinds of violence inflicted against them.

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