



The Politics of Guilt: Debating Untouchability and Reservation

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Abstract:

In this paper, I will be looking into the question of untouchability in particular reference to the Scheduled Castes population in India. The question of collective guilt is enquired through the framework of untouchability in this section. This section intends to enquire the extent to which the independent Indian state has failed or succeeded in adhering to the notion of collective guilt for addressing the symbolic and substantial components of the practice of untouchability. This section does not intend only to enquire untouchability through the framework of collective guilt; rather, the framework of collective guilt is also enquired by the practical parameters of untouchability.

Keywords: untouchability, symbolic, substantial, components, society.

Introduction:

The origin of the sustainable practices of untouchability in India can be found centuries before India's independence in 1947. Such practices' theistic origin can be traced back to Rig Veda's text that categorically distinguished people into four Varnas. Rig Veda argued that the creator Brahma gave birth to the Brahmins from his mouth, Kshatriyas were born from his arms, thighs gave birth to the Vaishyas, and Shudras were born from his feet (Char, 1993: 15). The artistic explanation of the origin of the four Varnas very much established the strict division of labour and social status of the people in the coming future. A hierarchy of the division of labour was prescribed in which Shudras were supposed to dedicate their lives working and serving for the people belonging to all other three categories. The highly celebrated Kautilya's Arthashastra too took many of the recommendations of the Dharmasutras regarding the strict and rigid Varna system. With time, a hierarchy of labour division brought a hierarchy in the perceived worth of the works. A low worth was relegated to the works conducted by Shudras. And, a practice of untouchability started against Shudras engaged in the so-called low worth works. Though it is very difficult to enumerate all the characteristics of the practice of untouchability through its definition, it is important to look into some definitions of untouchability to estimate its extent and depth. According to Shinde, the practice of untouchability is a nation-wide institution which has the three characteristics of regularly observing pollution, expecting to live outside of the village and not giving equal legal protection before the law (Shinde, 1933: 3). Mahatma Gandhi described untouchability as pollution by the touch of certain people by reason of their birth (Hingorani, 1961: 146). For Ambedkar, untouchability is the belief of defilement, pollution, contamination and the ways and means of getting rid of that defilement. It is a case of a permanent, hereditary stain, which cannot rinse out by anything (Ambedkar, 1969: 1-2). These three definitions are used here deliberately to comprehend the breadth of the untouchability that spreads from the physical domain to the cognitive and symbolic domain. It is untrue to assert that Indian society did not undertake any steps to ameliorate the practice of untouchability. Several social reformers undertook various methodologies of social reformation to end the practice of untouchability. One such reformation took the form of the Bhakti movement that had its origin in the Southern part of India in the late 7th century B.C, that later spread in the Northern part of India by the end of the 10th century B.C. This movement challenged



the Brahminical connotations of the Vedantic philosophy that prescribed Karma (work) and Dhyana (meditation) as the only two means to attain salvation. The Bhakti movement challenged these connotations of the Vedantic philosophy and argued in favour of the spiritual equality of all in attaining salvation by their devotion to God. This movement also challenged the caste stratification of the society that grades individuals on the basis of birth and eclipses spiritual equality to all (Srinivas, 2003: 458) The British administration too took some steps to attack the institutions of untouchability politically but directly. The origin of the term 'Scheduled Castes' can be traced back to the Simon Commission (1928), and the Government of India Act 1935 gave the formal connotation to it. Some castes that were extremely deprived and required special attention to uplift were included in a list in the Government of India Act 1935. The Act referred to those castes as 'Scheduled Castes' (Dushkin, 1967: 626). As early as 1858, the then Bombay Presidency opened the doors of government schools to all without discriminating any castes or classes. In the 1870s, Britishers accepted a new policy by which the uniform criminal law was enforced in British courts across India (Pai, 1997). The Caste Disability Removal Act of 1850 dealt with another setback at the integrity of caste. Though the legislation did not abolish civil disabilities in their entirety, it assisted conversion to another religion or admission into another caste or religion. In 1880, British officials started reformatory programs such as scholarships and special schools to benefit these classes. Other initiatives were also followed, including the 1943 Bombay Harijan Temple Entry Act and 1947 Bombay Harijan (Removal of Civil Disabilities) Act. In the United Provinces, now Uttar Pradesh, the 1947 United Provinces Removal of Social Disabilities was put in force. Maharaja of Travancore announced the —Temple Entry Proclamation in 1936, what has been seen as a —pioneering effort in the field of reforms relating to the eradication of Untouchability before the independence. The Maharaja declared the removal of all bars on those denied entries to the temples controlled by the Travancore government (Galanter, 1969). The post-independent Indian constitution too adopted the definition and structure of the 'Scheduled Castes' as outlined in the Government of India Act 1935. The motto of the Indian constitution was to have a list of deprived castes that requires special attention and whose aspirations can be met through constitutional sanction. The generic use of the term 'Scheduled Castes' gives an impression that it is synonymous to the castes that are understood as untouchables. However, not all those castes that find their names in the Scheduled Castes are untouchables; rather, some 'touchable' castes are also included in this category. The Constitution of India does not define the term 'Scheduled Castes'. The term "untouchability" occurs in Article 17 of the Indian Constitution. The term has neither been defined even in definitional clauses of Article 366 of the Indian Constitution nor has it been defined statutorily in the Protection of Civil Rights Act, 1955. Rather the power to identify those castes that could be included under Scheduled Castes rests with the President of India. According to the mandate of the Indian Constitution in Article 341 and Article 342, the President of India, in consultation with the respective state governments, can notify an order to include any castes, tribes or races under the category of 'Scheduled Castes'. The post-independent Indian state undertook constitutional mechanisms for empowering the population belonging to the Scheduled Castes. The Preamble of the 129 Indian constitution, besides declaring India a —sovereign socialist secular democratic republic also lays down the primary objectives of the Constitution. It aims to secure socio-economic and political justice to all citizens. In addition to it, the Indian constitution strives to ensure liberty and equality in both status and opportunities to all citizens (Rajawat, 2006: 13). In the Preamble to the Constitution of India, it had been provided that the people of India would secure the justice, liberty and equality together with the fraternity to all of its citizens irrespective of their identities (whether they are of



General category, Scheduled Castes, Scheduled Tribes, Other Backward Castes etc.). To achieve the above-mentioned ideals generally and equality of status and of opportunity particularly, state promises to bring the downtrodden societies and the oppressed people into the race at par with the mainstream runners. The Indian constitution provides various safeguards and protections for Scheduled Castes and Scheduled Tribes. In the Preamble and through the Directive Principles of State Policy as well as the Fundamental Duties, we can see special treatment provided to the marginalised and downtrodden communities who are lagging behind in the course of development. The Constitutional arrangements to defend the interests of the Scheduled Castes and Scheduled Tribes aim to abolish untouchability by prohibiting its practice in any form; prohibition of the practice of begging or forced and bonded labour. The demands of the Scheduled Castes and Scheduled Tribes in appointments to services and posts considering the matters of the union or a state; certain seats are reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha and in the Vidhan Sabhas. There are provisions which support the status of the Scheduled Castes as protected weaker sections and include the departures from the anti-discriminatory and official equality provisions of the Constitution which gives power to the state for making any provision for the betterment of any socially and educationally backward class of the country. According to Article 16(4), the Indian state has the power to make any arrangement for the reservation of appointments or posts for any retrogressive class of residents, which is not sufficiently represented in the assessment of the state. Article 46 furnishes that the State shall advance with special consideration the educational and monetary interests of the more vulnerable segments of individuals, specifically of the Scheduled Castes and Scheduled Tribes, and will shield them from social injustices and exploitation. 130 Though the Indian Constitution incorporates several significant provisions to prohibit untouchability practices and ameliorate the condition of Scheduled Castes, it is important to look into the Constituent Assembly debates to identify whether these Constitutional provisions were an outcome of the collective intention of the framers of the Indian Constitution. The Constituent Assembly started the debate on the draft Article 11 (which later became Article 17 of the Indian Constitution) on 29th November 1948. The draft Article 11 dealt with the removal of the practices of untouchability. Leaders like Muniswamy Pillai, Dr Manmohan Das, Santanu Kumar Das, and D. Velayudhan argued in favour of the abolition of untouchability and argued in favour of its inclusion under fundamental right. Few members of the Constituent Assembly were apprehensive of using the term ‘untouchability’ even though they intended to ameliorate this practice. The arguments of Naziruddin Ahmad and professor K. T. Shah fall under this category. The general defence to avoid using the term untouchability was its definitional vagueness. However, K. M. Munshi rebutted Ahmad and Shah by arguing that the word ‘untouchability’ in Article 11 is within quotation marks and therefore ever-encompassing meanings cannot be attached to it (Constituent Assembly Debates, 1999). The question of the abolition of untouchability was hardly a matter of contestation among the members of the Constituent Assembly. Most components of the debate regarding untouchability pertained to its definitional preciseness of meaning. On the other hand, the Constituent Assembly debates on the provisions relating to the reservation to the Scheduled Castes population were fiercely debated. In the following paragraph, we will have a brief discussion about the Constituent Assembly debates on the desirability of reservation. For instance, Rajkumari Amrit Kaur strongly opposed the idea of any special measures for religious minorities or Scheduled Castes. She opined that such measures would hamper the project of uniting India as a nation. She referred to the stand taken by the ‘majority of educated women’, who were of the opinion that the refusal by women to ask for any special privileges in any sphere strengthen the way forward for nation-building in India. In spite of being a group that continued



to be systematically discriminated and marginalised in Indian society, she believed that Indian women regarded themselves as an 'integral part of the whole' and so, not demanded special treatment (Ibid. 309-312). In addition to being opposed to separate electorates, Rajkumari Amrit Kaur was also opposed to the idea of reservations in legislatures and services. She questioned 'the legal existence of the depressed classes the moment the new Constitution' came in and that the category of Scheduled Castes would be an anomaly once the Constitution abolished untouchability. Pursuing to locate Dalits within the fold of Hinduism, Rajkumari Amrit Kaur asserted that Dalits would assimilate along with the 'backward and ignorant poor Hindus' and therefore did not require any special measures. Being in favour of a breakdown from the guiding principle of colonial India, she powerfully expressed the opinion that the old favoured policies had only served to heighten communal problems; therefore, it is necessary that post-independent India should stop old policies (Ibid. 402). Thakurdas Bhargava too supported Rajkumari Amrit Kaur's opposition to reservations for any specific social group (Ibid. 408). Harnam Singh's draft on Fundamental Rights presented on 18th March 1947 contains the first reference to special measures for Backward Classes. The provision mandates the State to 'provide special educational facilities to enter public services for Backward Classes such as Scheduled Castes, the Aboriginal Tribes etc. Displaying tremendous foresight, this provision clarifies that these facilities would be provided to any member of the listed castes/tribes, irrespective of religious denomination. Also, in Harnam Singh's draft we see the genesis of the political protection that was afforded to minorities in terms of establishing autonomous institutions. The most serious attempt in the Fundamental Rights Sub-Committee at providing special measures is unsurprisingly in B.R Ambedkar's draft. The concept of 'adequate representation' first finds mention in Ambedkar's draft, which enables the State to take special measures to ensure adequate representation in civil and military employment along with educational institutions (Ibid. 172). Ambedkar's draft is also unique in its protection against discrimination by private employers on the grounds of 'race or creed or social status' (Ibid. 89). Ambedkar's draft envisaged special responsibilities for the State and Central Governments to bear the costs of secondary and higher education of Scheduled Castes in addition to finding the money for foreign education of Scheduled Castes (Ibid. 95). 132 Even in the debates of the Constituent Assembly, there was no unanimity about the use of reservations. To the current text of Article 15(2), which provides that 'Nothing in this article shall prevent the State from making any special provision for women and children', K.T Shah wanted to add the words 'or for Scheduled Castes or backward tribes, for their advantage, safeguard or betterment'. He was of the view that the Scheduled Castes and backward tribes suffered from 'disabilities or handicaps' due to the historical discrimination they had faced. He felt that such a long and structural experience of discrimination would take away their ability to meaningfully enjoy the rights that would be guaranteed equally. He wanted an amendment in the Constitution so that any measures in favour of these groups would not be seen as violating equality. He took the position that backwardness of certain communities would hinder the progress of society as a whole. Advocating a fair degree of uniformity in progress, K.T Shah believed it was only right that measures be taken to bring the Scheduled Castes and backward tribes to a comparable stage with other groups in society (Constituent Assembly Debates, 1999: 655). Interestingly Ambedkar did not support K.T Shah's amendment. Ambedkar believed it would grant constitutional validity to the State's attempt to segregate Scheduled Castes by building separate institutions for them in the guise of fulfilling the mandate of the provision. As a result, K.T Shah's amendment was defeated. Taking a position against reservations in public employment (under Article 16 in the final draft of the Constitution), Lokanath Misra argued that having an equal right to



employment, food, clothing and shelter for all citizens was the requirement and this could not translate into a right for certain citizens to be entitled to a specific share of public employment. He saw reservations as a system that rewarded backwardness and extracted a heavy toll in terms of efficiency. Strongly advocating the case for purely merit-based recruitments, he argued that reservations for certain groups would amount to a degrading experience for those groups inflicted in the name of generosity (Ibid. 673) Similarly, Damodar Swarup Seth also believed that reservations demanded an unacceptable cost in terms of efficiency even though they did appear to contribute to justice on the face of it. Given the difficulty in identifying the criteria for backwardness and the strong possibility of favouritism and casteism in administering such a system, Damodar Swarup Seth was of the view that while extra facilities and 133 concession may be given to backward classes to improve their educational qualifications, no such measures should be taken in public employment (Ibid. 679). The Constituent Assembly debates on the issue of untouchability came out successfully as far as the abolition of the practice of untouchability is concerned. The framers of the Indian Constitution had the deep belief that the symmetric intention about the abolition of untouchability generated through the Constituent Assembly would deeply penetrate into the social domains of India. This was the form of constitutional intensity that had to travel deeper into the minds of the people at large. However, what is the necessary conditions under which symmetric intentions generated in a representative institution can be passed over to individuals or groups of people in the social domain? The constitutional mechanism of reservation has remained the most contentious topic in Indian politics. Unlike reservation for the Scheduled Castes in the legislative bodies, the system of reservation for SCs in the domain of public services and educational institutions has remained highly contentious and bitterly attacked. In addition, the institutionalized efforts to counter the dominance of the caste system in India have not yielded the desired results. This socio-economic institution is imprinted in the psyche of modern India and continues to determine the identity and collective experience of its citizens. This is not to say that the prevailing situation is a result of complete state collusion. At least on paper, this cannot be claimed in the context of Indian Constitution acknowledgement of the need for positive discrimination and introduction of affirmative action programs by various central and state governments to uplift depressed groups from social and economic margins. The acknowledgement of the need for reservation has its roots in pre-colonial India. The forefathers of India recognized that freedom for the majority of Indian citizens was beyond liberation from British colonialism and that a substantial part of the country will remain at the margins if the centuries-old system of caste-based discrimination is not targeted. It was recognised that caste operated as an organised social order that defined identities of individuals and restricted the opportunities for them on the basis of their identity. The political-economic justice and democratic legitimacy could only be ushered in the state if the marginalized population was integrated by instituting restitution for historical injustices through affirmative action. 134 The framers of the Indian constitution wanted to have a constitutional symmetry of intentions that will be penetrated heavily in the social domains of the future structure of the Indian society in the making. Abolition of untouchability and the provision for reservation became the two most important tools to exhibit the constitutional symmetric form of intentions. Their aim was that the aspects of recognition would have a deeper connection when the constitutional measures to ameliorate the Scheduled Castes condition will travel down to the domain of social from the domain of political. Here it must be noted marginalization is more complex than just deprivation or destitution. This is because marginalization is a deeper dehumanization of the individual (Khilnani, 2001) through an interweaving of power relationship. Iris Marion Young (1990) argues that marginalisation is more than socio-economic



deprivation; rather, it involves the deliberative idea of justice. This is because justice is not only distributive rather because justice needs to be presented in the context of —institutional conditions necessary for the development and exercise of individual capacities.¶ Therefore, it is the social recognition of the marginalized that is truly just. Thus, we can say that oppression is essentially a structural model, and marginalization involves both inabilities to access immediate material requirements and historical restriction of individuals and groups from institutions and practices. Welfare is a kind of retributive justice which acknowledges immediate material needs without addressing structural injustices. It only focuses on their economic needs ignoring that extension of material goods and services will not guarantee the realisation of their fundamental rights in other spheres of the democratic union. However, Indian society failed itself at these two most important fronts. The practise of untouchability has continued into the present, and the provision of reservation remains highly contested till date. Most often, the question of reservation has been a topic of long-standing debate, often leading to political disarray and rioting across the country. Various Indian and foreign human rights groups and governments have indicated for long that despite protections provided in Indian constitution, laws, policies, the mistreatment of Dalits has not ended. The constitutional prohibition of discrimination on the basis of caste and fifteen per cent reservation of seats in higher education and government employment has not yielded the desired results. 135 This is not to say that the reservation system is without challenges. It may still be short of providing a complete solution to the Dalit question in its current form. First, it applies to only the public sector and not the private sector when the latter is the growth area of the country’s economy. Second, a substantial amount of population from marginalized community lives in rural areas which are not part of the —organized¶ economy. Third, state authorities have failed in the proper implementation of the mandate of reservation. Opponents of reservations, while acknowledging the historical perpetuation of inequality due to the caste system, nevertheless argue that reservations are counterproductive. Most often, the efficiency framework is invoked to counter the need for a reservation framework. Additionally, they argue that the system of reservation perpetuates caste-identity. This logic perpetuates a feeling of frustration among marginalised who in order to counter non-authorized discrimination, organize themselves into political pressure groups. While on the other hand, non-marginalized groups fuel discrimination against marginalised groups by judging its members as incompetent or undeserving when they gain access to institutions on the basis of reservation. The framers of the Indian constitution realised the historical injustices inflicted on the Dalits (officially known as Scheduled Castes). They made the constitutional provisions for the reservation for SCs population in the domain of public services, legislative bodies and educational institutions. The framers of the constitution saw reservation as a form of reparation that has both substantial and symbolic aspects. The Constituent Assembly, a representative body, accepted collective guilt for the centuries-old practice of untouchability. However, the general populace did not become part of that collective guilt. Though they refrained from attacking it legally as it was constitutionally sanctioned, they attacked its symbolic aspects. The practice of untouchability continued even in the presence of stricter laws that prohibit untouchability. When India arrived in the 21st century, two changes were significantly visible. First, there was a generational shift of about two generations. The new set of people have a negligible idea of collective guilt. Neither state nor society or family passed down the feelings of collective guilt through the generational chain. Second, the new generation 136 became the consumer of social media with the advent of the internet. Earlier symbolic attacks on the reservation were individualistic in nature; now the same attack through the social media turned into a collective attack. Since there are no laws that strictly govern the everyday life of



social media, abusing by taking caste names became very common. Social media memes became an important tool to destruct even the thinly available collective guilt. Everyday humiliation in its collective feature became a daily phenomenon. The recent trend of using social media for everyday expression has widely relied on memes. Let us consider the meaning and manifestation of internet memes. A conceptualisation of memes though varies significantly between sciences; however, the dominant description deduces a meme as a contagious idea that spreads as a virus and mutates through dissemination (Dawkins, 1976; Brodie, 1996). Dawkins (1976: 206-209) argues that memes are like genes. Their structure, mechanisms of distribution and survival, productivity and fecundity are similar to the genes since they also pass cultural information and ideas between individuals and generations. Here it is important to note that genes are tremendously precise in their algorithms, and a mutation in fact leads to injurious errors (Dawkins, 1976: 30-33). However, memes can, in fact, survive the process of continuous transformation and replication. A major drawback of interdisciplinary studies has been disregarding academic investigation into memes. Knobel and Lankshear (2007: 205) support studying of memes academically and argue that memes are like 'other designations of cultural production' i.e. 'idea', 'pattern', 'tune', 'structure' and 'set', and admit that 'pinning down precise criteria for something counting as a meme is close to impossible'. Blackmore (1999) develops the ideas formulated by Dennett (1995) and defends an analysis of memes by limiting a meme to the smallest meaningful element that replicates itself with trustworthiness and fertility. It must be noted that memes are different from iconic images or viral texts. This is because, unlike memes, they do not experience alteration. Viral texts are fixed symbols, stories or icons. They are interactive and aesthetic that reflects the current mood of socio-political discourse (Goriunova, 2013). They can change shape, size and style through mutation. Instead, memes offer a quite weaker illustration of the original subject and consequently, hail individual expressiveness and boost further reiteration of a symbol. Shifman (2011) argues that people circulated memes not because they wish to spread the story they find interesting, but because they wish to provide input in the propagation and retelling of the narrative. The popularity of memes can be attributed to a rise in the accessibility of the Internet and graphic editing software from the 1990s to current times (Börzsei, 2013). Mid2000s saw the transformation of memes from subcultural jokes to mainstream gimmick as large meme aggregators rose in various forms. They enjoyed better popularity than mainstream new outlets and entertainment portals on the website. This does not mean that the exchange of memes is restricted to meme dedicated platforms. A large number of blogs, forums, and interactive social media platforms like Twitter, Facebook, Instagram etc. have brought memes into the mainstream. The striking ability of memes is that they cross not only the boundaries of digital platforms but also its contexts and narratives (Esteves and Meikle, 2015: 565). They have become an important part of web narratives (Burgess, 2008) and their roles have diversified from a tool of entertainment to a way of disseminating socio-political commentary. Recent years have in fact seen a trend of social media users increased interest in expressing views about current happenings in the state by employing internet communication as means to interpret news, debates on socio-political issues and campaigning for important causes (Esteves & Meikle, 2015; Meikle, 2014; Shifman, 2013). Memes are not simply a casual kind of vocabulary used by citizens on the Internet. Rather, users exploit them to present 'symbolic rhetoric arguments' in debates and conversations. People organise themselves through Twitter trends by creating and collaborating on memes (Gauntlett, 2011; Meikle, 2014, 2010), which opens new avenues of deliberation in politics, albeit now online. Memes in this way is a kind of art, a format which allows citizens to share ideas and draw public attention to specific issues of interest. Memes are shared in massive volumes,



and it is for all intents and purposes difficult to decide the quantity of images that are made and coursed in one day. Memes impact our social circles and given that they are uncertain as far as its tracing is concerned and need visual understanding, it is hard to follow, and consider their makers answerable. 138 Social media has played a critical role in shaping political identities in the movement. Dalit youngsters often say that Twitter gave them a sense of community—for the first time, they weren't ashamed of disclosing their identity in public. Dalit households were historically restricted to the margins of villages, with fewer homes than caste Hindus. Educational institutions mirrored this reality, becoming zones where Dalit students felt alienated and discriminated against. Social media was, finally, a platform where lower-caste individuals could come together to overcome geographic and cultural boundaries. There is safety in numbers, and social media brought courage to open up about their life experiences, whether publicly or in private messages. However, memes can also become an offensive tool to say many things, which are prohibited under law, publicly under a cloak of anonymity. Something people would hardly express publicly finds an easy way onto social media. In the age of the internet, the historical oppressors of the Scheduled Caste population in India found new avenues to practise online untouchability. In the pre-social media period too, the Indian population did not possess the symmetric aspects of collective guilt against the practise of untouchability in any forms. However, the post-social media period brought additional velocity to the process of destructing the distinct possibility of forming collective guilt for the historically practised untouchability, oppression and discrimination against the Scheduled Caste population. Let us look into this aspect through the examples of the everyday form of social media memes. Memes have become an effective tool to annihilate the possibility of forming collective guilt for historical wrongs to the Scheduled Caste population. There are many groups on Facebook under several names whose anti-caste memes are widely shared and commented. There are many other Facebook groups that produce and share several memes to hurt the community sentiments of the Scheduled Caste population. Let us discuss some of the social media memes in this context.

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