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**UNTOUCHABILITY IN INDIA, THE UNITED STATES, AND THE  
UNITED KINGDOM: A COMPARATIVE ANALYSIS**

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**ABSTRACT**

This article centres on the widely applied law of untouchability, which was explicitly removed from the Indian Constitution but is nevertheless publicly enforced as a legal system. In addition to giving the Dalits and other lowest castes a facial tag, the caste system has created a fear of a daily death. This essay compares and contrasts the historical backgrounds of the United Kingdom and the United States with respect to the caste system's inception in India. Further sections of the article centre on the present situation of Dalits in the UK, the USA, and India and provide statistical information and report analysis to enhance comprehension.

**KEYWORDS: Untouchability, Dalits, Death, Caste, Legal, Fear, Law**

**INTRODUCTION**

The caste system is not only a set of customs; it is also a way of thinking among some individuals who consider it to be one of the most important beliefs for characterising a person's way of life. In India, the caste system has traditionally held sway over accepted social mores. The caste system in ancient India was an account of his strength, purity, abilities, and upbringing. The practice of "untouchability," which refers to the imposition of social limitations on individuals based only on their birth into a particular caste, was ruled unconstitutional in 1950, but it continues to be a dominant factor over the lower caste in our culture. India continues to face socioeconomic obstacles despite its recent prosperity, with the main ones being poverty, casteism, religion, sex, and employment. These days, your caste, origin, and skin tone all describe who you are. Most countries consider a physical impairment or a serious illness to be grounds for untouchability.<sup>1</sup>

The Dalits, also known as Untouchables, live in a society where there is a growing mistrust and social divide between the higher castes and the latter. As a result, they face constant harassment, unemployment, and denials of access to milk and newspapers in the villages. Bhil

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<sup>1</sup> [https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P137\\_17495](https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P137_17495)  
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tribesmen of Panchmahal are displacing Dalit landless labourers in central Gujarat, southern Mehasana district, and the surrounding districts of Ahmedabad. The campaign against the Dalits has taken on significant proportions as a result of their increasing awareness and demand for statutory salaries. Official figures indicate that there was one Dalit murder in Gujarat last year, on average, every two weeks. This is a huge underestimate, as anyone familiar with rural Gujarat will know, as most Dalit murders by upper caste landlords are covered up as "accidents".

More Untouchables than the populations of France and the United Kingdom put together, almost 100 million in number. However, they are a marginalised minority in India, making up only 15% of the population overall and just little more than 25% in a few select regions. Due to their own caste division and the multiplicity of Indian languages, they find it challenging to work cooperatively. Some people have chosen to convert to other religions, such as Sikh, Christian, Buddhist, or Muslim, as a way of rebelling against the values of the dominant Hindu society. However, doing so rarely results in better treatment from the dominant society and frequently robs those who choose to remain Hindus of what little protection the laws provide. Being a religiously sanctioned practice associated with specific Indian castes that are hereditary, untouchability was widely founded around 100 B.C. Hindu religious literature used karma and rebirth to justify untouchability, saying that a person's caste status was determined by the total amount of horrible sins committed throughout their past lifetimes.<sup>2</sup>

Though theories about contemporary villagers are frequently less clear-cut, there is still a significant perception that Untouchables are inherently and rightfully inferior; intelligent urbanites frequently exhibit similar sentiments. A prominent sociologist wrote vehemently during the recent riots against the unique entrance criteria that apply to Untouchables to professional schools, citing instances where competent Untouchable applicants to medical schools were told to return to their previous role as sweepers. There are significant economic ramifications to the long-standing cultural denigration of Untouchables. Similar to racism in the West, untouchability has helped to justify and perpetuate a sizable pool of inexpensive labour. Additionally, it has lessened competition for the commodities and status symbols that have defined power and prestige throughout history, such as land, the priesthood, and contemporary white-collar occupations. In objecting to their situation, Hindu civilization is characterised by a strong degree of self-interest and firmly rooted societal ideals, which are

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<sup>2</sup> The Social Practice of Untouchability, 2018.

challenged by Untouchables. The Untouchables are insisting more and more that they must rise beyond this institution.

There were several circumstances that led to this problem. Colonialism restricted access to more equitable principles. The British and other Indian factions' pre-independence manoeuvres occasionally resulted in competitive attempts to win over Untouchable loyalties, which further inspired Untouchables to reinterpret their identities and the world around them. The reform movement of Mahatma Gandhi, which popularised the name Harijan (children of God), is the most well-known, but it's possible that the independent movements for self-respect that emerged within the Untouchable communities had a longer-lasting effect. Undoubtedly, Untouchables' values have changed at a rate that has surpassed that of the prevailing society.

The late Dr. B.R. Ambedkar, an Untouchable leader, was also successful in utilising the British/nationalist dispute to advance Untouchable policies that secured proportionate parliamentary representation as stipulated by the constitution and enhanced Untouchable access to government employment and education. Though political parties are forced to give competitive lip service to Untouchable interests, the results have fallen far short of Ambedkar's goals, and a new generation of Untouchable youngsters is now sufficiently educated to be acutely aware of the stark discrepancy between promise and performance.

#### **HOW TO DEFINE UNTOUCHABILITY**

In his 1969 work "Untouchability and the Law," Marc Galanter examines the interplay between colonial India's Indian "caste order" and the British legal system. In his discussion of the "constitutional meaning of untouchability," Galanter notes that neither the term "untouchability" nor the definition of "a disability arising out of 'untouchability'" are made explicit in the Constitution. The English word "untouchability" is very new; it was first used in print in 1909 and, despite its widespread use, never really achieved definition. In general, Galanter defines "untouchability" as follows, drawing from rulings made by Indian courts: may encompass any situations when one person viewed another as a source of contamination and ritually unclean.

This means that people who are undergoing childbirth, menstruating, suffering from infectious diseases, in mourning, consuming foods prohibited by law, failing to maintain hygienic standards, or being the target of a social boycott may all be regarded as untouchables. Galanter expands on this definition further: A more specific interpretation of the term would encompass all situations where an individual has been stigmatised as filthy, polluting, or inferior due to their origins or affiliation with a specific group; that is, when they are treated

unfairly because of their religious beliefs or because they belong to a caste that is lower than others.

Galanter offers a definition that is even more limited: ...as exclusively referring to those actions that involve pushing some groups "beyond the pale of the caste system."<sup>3</sup>

With the intention of responding to the query, "Does untouchability exist among Muslims?" Trivedi, Prashant K. et al. provided a more precise concept of untouchability. Shah et al. (2006: 19) provide a comprehensive study on untouchability and define it as a "distinct Indian social institution that legitimises and enforces practices of humiliation, exclusion, and exploitation against people born into particular castes." Everything in a person's life is governed by their caste, including their profession and social relationships. Because of this, people who were deemed to be "beyond the pale of the caste system" were subject to untouchability, which might sometimes assume "vicious" manifestations. The act of an "untouchable" touching or casting a shadow over another person contaminates them.

#### **ORIGINATING IN INDIA**

The most disadvantaged groups in India according to the constitution are the Scheduled Castes and Scheduled Tribes (SCs and STs). They are still known by a number of names since the beginning of the nation's history, when the Hindu faith first instituted the caste system. In the hierarchy of castes, Scheduled Caste members are at the bottom. The rationale behind calling members of this marginalised group "untouchables" and "depressed classes" (before to 1935) was because they were unique in that they worked as cleaners of formerly unclean and contaminated public areas. Dalit means "to divided, to split, to be broken and scattered" in Sanskrit. These weaker regions are located in the Caribbean, United States, United Kingdom, Singapore, and portions of the Indian subcontinent.

The four main varnas, or upper caste categories, are listed in the more than 2,000-year-old caste structure found in ancient scriptures. These are the Brahmins, who comprise clergy and instructors; the Kshatriyas, who comprise kings and warriors; and the Vaisyas, who were formerly referred as the Shudras were labourers and artisans, and merchants and traders. The "untouchables" or Dalits make up a fifth group that is not included in the varna system. One of the main reasons for drawing attention to the practice of untouchability is that they are being labelled as dirty and held responsible for the spread of impurities. Without a doubt, Dalits have

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<sup>3</sup> Kevin Hobson, *Ethnographic Mapping and the Construction of the British Census in India* <https://www.britishempire.co.uk/article/castesystem.html>  
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always been granted jobs in housekeeping, road maintenance, sweeping, sanitation, etc. and are frequently regarded like destitute and helpless people.

Unknown facts regarding the Dalits' past state that a comparable uprising over their denial of water access in 1927 resulted from the untouchability policy. A Dalit woman named Panchami was sent away from the rural school more than a century ago, in 1914. Because of her caste, the people set fire to the school as a result. Ayyankali, a Dalit social leader at the time, opposed Dalit rights. The kids fought for a whole year before being allowed to enter and be admitted to school. The Ooruttambalam school in Trivandrum, Kerala, still maintains the burning bench of Panchami as a symbolic item.

Dr. Ambedkar's goal as Ayyankali was to protect the legally recognised right. Mahad Town approved a resolution in 1926 granting everyone access to the Chowdar water tank, but the society rejected it on the grounds of caste prejudice, claiming that not all castes would use it individual. When Dr. Ambedkar held the Mahad Satyagraha on March 20, 1927, he symbolically drank water from the tank, making himself and his supporters the target of the villagers.<sup>4</sup>

Due to these incidents, the Constituent Assembly declared Article 17 to be unlawful and subject to penalties, and they also abolished the law of untouchability. Despite being outlawed in 1950 by Article 17 of the Indian Constitution, the custom of "Untouchability" refers to the social disadvantages that people experience simply because they were born into a specific caste. Dalits are suffering from trauma and victimisation as a result of total social exclusion.<sup>5</sup>

In India, Dalits are subject to artificial regulations that state that "Untouchables" are not allowed to cross the line separating their portion of the village from that inhabited by members of higher castes. They should not worship in the same temples, use the same wells for water, or use the same tea stall cups. Typically, they are designed to occupy the rear benches of classrooms. It is known as the "hidden apartheid" of India. Due to caste, entire villages are still totally divided in several Indian states. When compared to the advantages offered to members of the upper caste, even the government facilities become restricted for the Dalits. The caste structure of today is more intricate, with numerous subcategories that together constitute a social community whose duty it is to safeguard its members. It is important to note that the

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<sup>4</sup> The scourge of untouchability continues, The Tribune, 2017

<sup>5</sup> Alternative report submitted to the UN Committee on the Elimination of Racial Discrimination when reviewing the 18th and 19th periodic reports of the United Kingdom at its 79th session: CASTE-BASED DISCRIMINATION IN THE UNITED KINGDOM, 2011 (Website-lexscriptamagazine.com) 7 (lexscriptamagazine@gmail.com)

term "Dalit" does not imply "caste," "low-caste," or "poor." Rather, it describes the unacceptable situation that a sizable portion of the population finds themselves in as a result of societal norms.

### **ORIGINS OF UNTOUCHABLES IN HISTORY**

The origins of untouchability are not in India. A few centuries ago, it was practiced in some parts of Europe and Japan, where the "Untouchables" at the time were known as "Burakumins," the lowest class of people. Japan's feudal class system throughout that time. Unfortunately, this system still exists throughout the Indian Subcontinent because of its ties to politics, history, religion, and culture. More than 170 million people in India are thought to be Untouchables today, and despite legal protections and specific government initiatives, their progress has been extremely sluggish. There are four castes in Hindu society, as stated in the "Manu Smriti," and each caste has certain rights, obligations, and advantages. They are regarded as the lowest class and include Brahmins, Kshatriyas, Vaishyas, and Sudras. The Vedas can only be studied by members of the upper classes.<sup>6</sup>

### **INDIA'S PRACTICE OF UNTOUCHABILITY UNDER BRITISH RULE**

The caste system was enacted as a law by the British Government, but it was not defined during their rule over India. The men who oversaw East India Company administration in India were more likely to focus on making money than creating a functional government. This mindset had begun to shift by the turn of the 19th century. As the British gained more territory through conquests, the concept of responsible trusteeship started to permeate the minds of those in charge of overseeing British India. Following the British departure from India, the ideology behind the caste system shifted to emphasise the importance of untouchability. This domination eventually developed into a rigid core classification that is still in place today.

Even though the Indian Constitution removed untouchability in 1950, the effects of centuries of discrimination by the higher castes still persist. In certain segments of Indian society, discrimination still persists, dividing Dalits from the general public in daily activities such as dining, visiting places of worship, and even living in upper caste Hindu homes. Dalits are separated from the rest of the population based only on their looks. It has been observed that a sizable portion of Dalits live in poverty. Over the decades of independent India, persons who belong to Scheduled Castes and Scheduled Tribes have acquired a political identity, notwithstanding the reservations made by the constitution to allow for equal opportunity.

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<sup>6</sup> National Crime Records Bureau, 2019  
(Website-lexscriptamagazine.com)

Hindutva's popularity has caused Dalits to convert to other religions, including Buddhism and Islam.

### **UNTOUCHABILITY IN USA**

Dr. B.R. Ambedkar studied economics as a graduate student in New York City in 1913, concentrating on the disparities in racial, caste, and social classes. It's difficult to say what made an impact his firsthand experience with American society. However, as time went on, he became increasingly aware of the American subordinate caste. Indians have long been worried about the state of enslaved Africans and their offspring in the country. Acting on information that African Americans were asking the United Nations for protection as minorities, many decades later, in 1946. Ambedkar approached WEB Du Bois, the most well-known African American scholar. As a "student of the Negro problem," he acknowledged to Du Bois that their shared outcomes.<sup>7</sup>

The circumstances facing the untouchables in India and the Black community in America are strikingly similar. Ambedkar stated that studying the end is not only necessary but also natural in a letter to Du Bois. After the first Africans arrived in the Virginia colony in 1619, the colony worked to clarify who might be enslaved for life and who could not, giving rise to the American caste system. Europeans were assimilated into a new identity as white people as colonial rules gradually gave English and Irish indentured servants more privileges than the Africans who worked alongside them.<sup>8</sup>

Both in India and the United States, caste-based prejudice and aggressive behaviour are associated with humiliation. A poll of 1,200 Americans of South Asian heritage was conducted in 2018. According to a survey, 26% of Dalits claimed to have been physically assaulted. Due to their caste, and 59% of them suffered because of offensive jokes or statements made about them based on their caste. More than half of the participants expressed fear of being classified as Dalits. Some Indian students at US institutions choose to hide their identities in order to live in freedom and away from the horrors, rather than to acknowledge that they are members of a lower caste. An account of Preeti Meshram, an Indian Dalit, who pursued a PhD at in contrast to the Indian perspective that opposes the caste system, New England College expected her life to be free, tranquil, and peaceful. However, she was traumatised sooner as a result of

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<sup>7</sup> <https://www.equalitylabs.org/caste-in-the-united-states>

<sup>8</sup> Madhumita Jagmohana, Dalits and Adivasis in India - Statistics and Facts, 2020.

institutional prejudice against her Dalit identity. She was a Dalit woman, but in the United States, someone from a higher caste sexually assaulted her. This case makes it evident that caste defines criminality.

### **INEQUALITY BASED ON CASTE IN THE UNITED KINGDOM**

In the South Asian diaspora, caste and the discrimination it breeds persist even after highly educated individuals have left their home nations. Because there was insufficient information. According to studies, the number of Dalits living in the UK is unknown. Certain religious sects, such as Ravidassis, Valmikis, Ramdasis, and Ambedkarite Buddhists, are typically comprised of members of the lowest castes. It is also believed that Christians having roots in the Indian subcontinent are Dalit or members of lower castes.

The UK's equality framework was set to undergo a two-stage reconstruction into a new Single Equality Act, which was announced by the Labour Government in 2005. The goal of the Equality Act was to provide a comprehensive set of laws prohibiting discrimination based on a variety of factors.<sup>9</sup>

Since 2005, DSN-UK and other Dalit organisations in the UK have fought to get "caste" recognised as a discriminatory characteristic in the Equality Bill. Even with all of this fighting, anti-discrimination laws do not cover caste-based discrimination. Caste is never specifically mentioned as a basis for prejudice. Furthermore, caste does not easily fit into the existing categories of "race" or "religious belief," as they are now defined, because it is not a direct synonym of either race or religion. Following a number of recommendations and committee discussions, the government proposed that non-legislative measures can be employed rather than legislation to address instances of caste prejudice in the UK. However, history demonstrates the need for legislation and its essential function in modifying discriminatory practices. The British White Paper on Racial Discrimination from 1975 emphasised the need for legislative action, stating that it is a prerequisite for an effective policy and also for promoting equality of opportunity and treatment. The document also noted the inability of legislation to address instances of injustice at the rule of law. Giving up on the group as a whole will be the same as giving them no choice but to seek their own resolution.

### **INDIA'S UNTOUCHABLES' PRESENT SITUATION**

The condition of Dalits in India is the same as it was historically; the only difference is that the in comparison to earlier times, the number of Dalit victims and traumatization has increased,

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<sup>9</sup> NIESR report: "Relying on the Indian community to take action to reduce caste discrimination and harassment is problematic".

and there are many more reports than there were. Even in certain locations where this bias is not practiced, individuals nevertheless hold traditional beliefs about how members of lower castes should look.

The untouchability statute was declared unconstitutional, but the practice continues as though the law still applies. People's attitudes towards the lowest caste in society have remained unchanged, with the Dalits suffering the most from societal trauma and being victimised everywhere. The Dalits are being singled out for criminal activity in addition to within the community. In 2019, the NCRB reported that criminal activity against Dalits had occurred in 11,829 cases in Uttar Pradesh, 6,794 cases in Rajasthan, and 6,544 cases in Bihar. The Dalit women are being exploited as weapons of revenge in intercommunal conflicts.

#### **USA: Equality Lab Reports, 2016**

- 25% of Dalits who engaged with other pupils reported verbal or physical abuse
- During their schooling, one in three Dalit pupils experienced caste discrimination.
- At work, two out of every three Dalits experienced unjust treatment.
- 60% of Dalits experienced offensive jokes or remarks based on their caste.
- Around 40% of Dalits experienced discrimination in places of worship.
- Of the Dalit respondents, one in two live in constant fear of being shunned.

#### **United Kingdom**

There has been a heated discussion among British-Indians in the UK on whether or not caste discrimination laws should be introduced. The first-ever caste discrimination appeal was heard by the employment tribunal in 2011 after a couple claimed their employers had unlawfully fired them due to their inter-caste marriage. According to Vijay Begraj, a colleague from a "higher caste" told him that he was fortunate to work at a law business because in India his caste would have made him a sanitary worker. The tribunal also heard that Begraj had been called disparaging caste slurs and had been beaten by a relative of one of the firm's partners. The lawyer from Heer Manak who was being questioned denied the claims up until the case's final suspension in 2013.

Begraj's tale has brought Dalit rights activists in the UK together in their opposition to caste laws. A few groups that have led the charge in the fight are Caste Watch UK, the Dalit Solidarity Network UK, and the Anti-Caste Discrimination Alliance.<sup>10</sup> They have received

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<sup>10</sup> Priyanka Mogul, Has Caste Discrimination Followed Indians Overseas? The Diplomat, 2017

backing from numerous scholars. In the discussion, the UN has added its voice and urged the UK government to enact legislation against caste discrimination. In addition to the committee's numerous deliberations and debates, activists anticipate that a ruling in favour of enforcing anti-caste discrimination laws will be made by 2018. Hindu organisations fear that if caste is legalised in the UK, it will be seen as a sign that caste is becoming a well-known aspect of British-Indian society, notwithstanding their belief that this is untrue. Meanwhile, hundreds of victims of caste discrimination are still living in the UK, which worries Dalit rights organisations.

### **CONCLUSION**

No one has ever prospered from the caste system, especially those from the lowest caste. The results of the aforementioned investigation and study show that even though the Indian Constitution has eliminated the "practice of untouchability," yet people's narrow-mindedness and societal conventions still treat the weaker groups in society in the same way. Until "We The People" break free from our limited perspectives and view everyone without a "caste tag" on their faces, the problem will not be resolved. In many cases, Dalits have achieved great success, but despite this, they are still viewed as the achievers of a "Quota" or a "Reserved Category," and their skill and diligence are never acknowledged.

The only changes that have been made since previous years are the implementation and amendment of constitutional provisions and the enforcement of the Act on SC/ST Atrocities. The centenary of Panchami at Ooruttambalam, Kerala, is a commemoration and celebration of a demonstration in favour of equality. India, with all its ideals safeguarded by the Constitution, ought to celebrate each occasion that reminded us of our responsibility to advance equality for all people. Mahad Satyagraha is observed as "Water Day" by Dalits today. The conventional society is the one that needs to comprehend the actual significance of caste and how it functions inside society. No one will be fearful of his own caste if our own people respect the lower caste, just as their fellow citizens do.