

UNHEARD VOICES

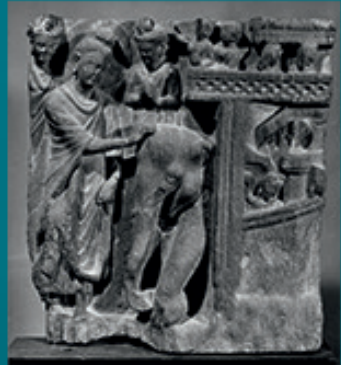
14 DECEMBER 2022 | Year 2 | Vol. 9



Birth at Lumbini



Sarnath



Rajagriha



Twin Miracle of Shravasti



Mahabodhi temple Gaya



Sankissa

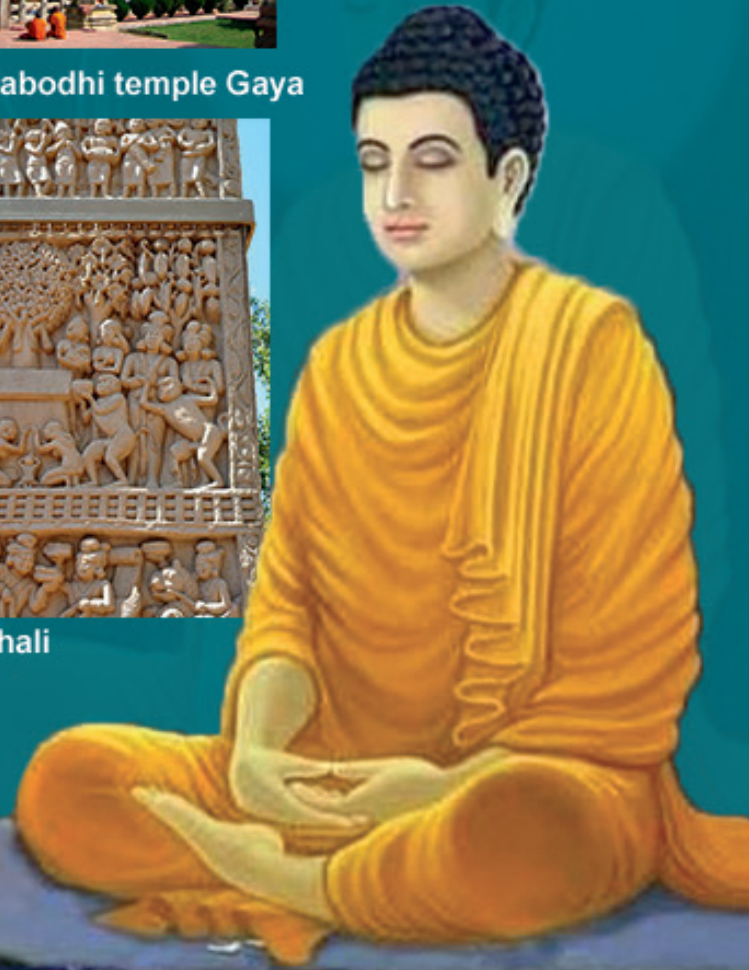


Vaishali



Kushinagara

Unheard Voices is concluding a year-long series - Buddhist Circuit, which focused on places, which have significance in the life of Gautam Buddha. We recall the series.



Buddhist Circuit



Time to take call on Collegium

The Collegium system has emerged as a major academic debate in the country. It seems that the executive and judiciary are heading for a serious collision over the issue. Vice-president Jagdeep Dhanakhar, recently, was blunt enough to express his reservations about the collegium system on the floor of Rajya Sabha. It was immediately rebuked by the Supreme Court, expressing its objections over Dhanakhar's views. Law Minister Kiran Rijju has clarified that the government does not intend to introduce any bill to amend the collegium system. However, a series of incidents has generated debate over the issue.

Several objections are being raised on the collegium system, which mainly include constitutional validity, lack of transparency in the exercise of appointment of judges, public accountability of the judiciary, professional standing of the judges to be appointed and established norms/rules in appointing judges. All these doubts are serious in nature and need to be discussed with enough seriousness.

It is a matter of public knowledge that the judicial system, which also includes lawyers, is dominated by a few families. It is a long-time impression that only those lawyers, who have a family background of law, could survive, and get success or could be appointed as judges in the courts. List of who is who in the judiciary system is in the public circulation, which has strengthened public opinion that the judiciary is being controlled by a few families. It is also public perception that sons, daughters, nephews, nieces, or other relatives are appointed as judges. This objection cannot be disputed. In fact, this perception is further strengthened if one goes by the list of retired or serving judges. People are free to interpret that judiciary is not above dynasty, which is considered as a major social ill of Indian public life. Judiciary cannot refute the public right to draw inference. Recently, the Supreme Court refused to disclose minutes of a meeting of a collegium, in which appointments of judges were discussed. SC even went to the extent that information could not be provided under the Right to Information Act. This cannot be digested

when all organs of state have agreed to the idea of transparency, public accountability, clean and efficient delivery of the service for a healthy democracy.

Entire issue has another social angle. Reservation in the judiciary has been a long-time demand made by the depressed class. It is neither discussed nor addressed for some reasons. Why are we afraid of the discussion? It is objected that reservation demand in the judiciary is not being taken seriously because of the possibility of losing control of few families. Newly awakened people have strong resentment against the judiciary that they do not get adequate representation or accommodation in the judiciary. Is it democratic to neglect the sentiments of the people?

It is human tendency to have control over others. The principle of 'checks and balance' is born out of this human tendency. Principle of 'checks and balances' are meant to ensure that no single organ of a state could be dominating, which may result in dictatorship or autocratic rule. Many times, judicial activism is also seen as going beyond the brief and interference in the functioning of other organs. This is done in the name of protection of the constitution.

Time has come to address all these issues. Nobody intends to interfere in the constitutional functions and rights of the judiciary. At the same time, there is no harm in putting the system under the scanner. The most courageous exercise for any human being is self-introspection. Are we afraid of self-introspection? Why are we hesitant to take corrective steps? What is the harm if the judiciary becomes more accommodative to meet the aspirations of the people? Judiciary needs to answer these questions, which people are asking.

Stakeholders also need to answer whether the current situation is leading us to the compromise with the quality of justice delivery system. Three organs of state have to be dynamic. Weakening of any organ, for whatever reasons, may lead to an unwarranted situation, which is not in the interest of the country. If the executive and legislature are open for reforms, the judiciary cannot stay aloof from it.

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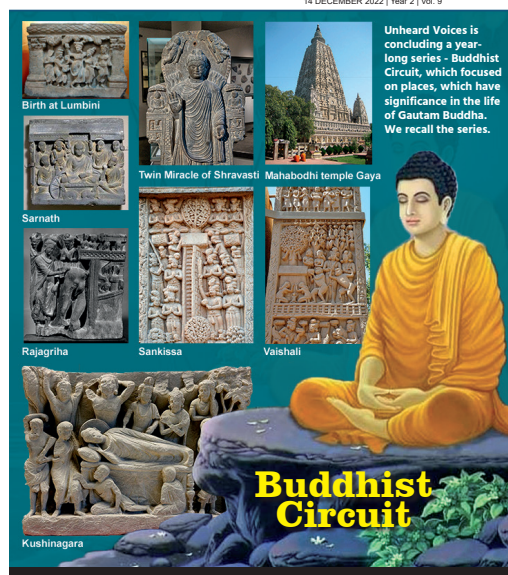
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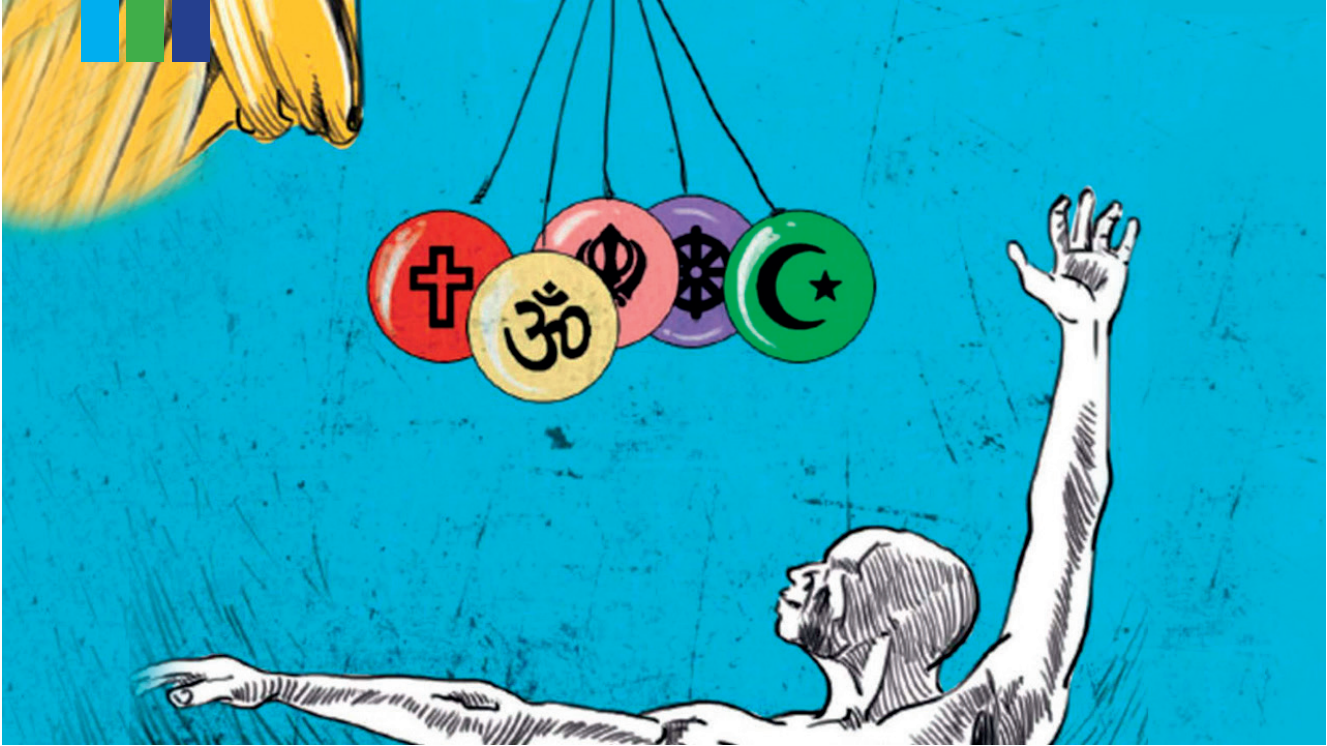
Social Studies Foundation (SSF) is working with the prime objective of conducting social studies and research of the society in a multi-disciplinary fashion. SSF focus, however, is on those people, who have been facing discrimination and are deprived of benefits of the development and democratic process. SSF logo, thus says, "Knowledge for Empowerment".

"UNHEARD VOICES" is a small step in this direction. It provides a platform to all those people, who have to be listened to by the Indian citizens to make this country united and integral. We will raise the voice of these people fearlessly. Social Studies Foundation has currently a small set-up to carry out its objectives. We, however, need financial support from our well-wishers, who agree with our objectives. We appeal to the readers and well-wishers to donate generously to the foundation.

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Govt. opposes reservation for converted Dalits

Supreme Court is currently hearing a public interest litigation, which has asked reservation for Dalits, who had converted either to Islam or Christianity. PIL has caused a quiet sensation as reservation is restricted only to non-Abrahamic religions like Sikhism and Buddhism. The union government has set up a commission to study the issue. The government also has opposed to reservation for Dalits, who had converted to either Islam or Christianity. We publish the major points from the government affidavit so that readers could know the reasons.

Scope of the petition

Union government has opposed reservation for former Dalits, who have converted to either Islam or Christianity. The petition has been filed by the Centre for Public Interest Litigation and National Council of Dalit Christians (NCDC) which seeks for the quota's to be made religion neutral so that Dalit Muslims and Christians can also benefit from the reservation.

The petition says that the Constitution (Scheduled Castes) Order 1950, as amended from time to time, is discriminatory and violative of Articles 14 and 15 of the Constitution in as much as it discriminates against Scheduled Caste converts to religion other than the Hindu, the Sikh and the Buddhist.

The Petitioners have submitted that the social and economic disabilities of Scheduled Castes convert to Christianity continue to persist in most cases even after their conversion and in this regard, there cannot be any distinction between Scheduled Caste converts to Sikh and Buddhist religions and Scheduled Caste

converts to the Christian religion.

The Petition further contended that the theory that Christianity does not recognize castes cannot be a valid justification for excluding Christians since in theory even Sikhism and Buddhist also do not recognize castes.

The government has said that it had formed a commission to study the issue, which is a seminal and historically complex sociological and constitutional question. The commission would examine whether change in the definition of Scheduled Caste is needed. The commission would submit its report within two years.

Government affidavit says that the dispensation in case of Sikhs and Buddhists converts cannot be cited as a precedent for a similar treatment of Scheduled Caste converts to Christianity as the nature of conversions to Buddhism has been different from that of conversions to Christianity. Scheduled Castes converts to Buddhism embraced Buddhism



voluntarily at the call of Dr. Ambedkar in 1956 on account of some innate socio-political imperatives. The original castes/ community of such converts can clearly be determined. This cannot be said in respect of Christians and Muslims who might have converted on account of other factors since the process of such conversions has taken place over the centuries.

That the criteria followed in deciding whether a caste/ community is eligible for inclusion in the list of Scheduled Castes is extreme social, educational and economic backwardness arising out of traditional practice of untouchability, practised by Hindus since time immemorial. Since the caste system and associated customs and practices of untouchability are a feature of Hindu society, historically the system of special representation for Scheduled Castes was evolved especially in relation to the position of castes in Hindu society who were affected by the practice of untouchability.

In its conception, Christianity is an egalitarian religion which does not recognise caste and is therefore antithetical to practices of untouchability. Affidavit says, "The Constituent Assembly recognized that the Scheduled Castes were a backward section of the Hindu community who were handicapped by the practice of untouchability and that this evil practice of untouchability was not recognized by any other religion."

Now it cannot be disputed that the caste system is a feature of the Hindu social structure. It is a social phenomenon peculiar to Hindu society. The division of the Hindu social order by reference at one time to professional or vocational occupation was moulded into a structural hierarchy, which over the centuries crystallized into a stratification where the place of individuality was determined by birth. Those who occupied the lowest ring of the social ladder were treated as existing beyond the periphery of civilized society, and were indeed not even touchable. This social attitude committed those castes to severe social and economic disabilities and cultural and educational backwardness and through most of Indian History the oppressive nature of the caste structure has denied to those disadvantaged castes the fundamentals of human dignity, human self-respect and even some of the attributes of the human personality. Both history and later day practice in Hindu society are heavy with evidence of this oppressive tyranny, and despite the efforts of several noted social reformers, especially during the last two centuries, there has been a crying need for the emancipation of the depressed classes from the degrading of their social and economic servitude".

To establish that the Constitution (Scheduled Castes) Order, 1950 discriminates against Christian members of the enumerated castes, it must be shown that they suffer from a comparable depth of social and economic disabilities and cultural and educational backwardness and similar levels of degradation within the Christian community necessitating intervention

by the same caste continues after conversion. It is necessary to establish further that the disabilities and handicaps suffered from such caste membership in the social order of its origin- Hinduism- continue in their oppressive severity in the new environment of a different religious community.

The government affidavits point out that the same requests were made to the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes to furnish their comments in this matter. The Registrar General of India (RGI), in 2001, did not agree to the proposal to include Scheduled Castes converts to Christianity in the list of Scheduled Castes. The National Commission for Scheduled Castes and Scheduled Tribes (NCSCST), in 2000, also did-not-agree to the proposal. Same decision was taken by RGI in respect of Dalits, converted to Islam.

Affidavit says that there is also no documented research and precise authenticated information available to establish that the disabilities and handicaps suffered by Scheduled Caste members in the social order of its origin (Hinduism) persists with their oppressive severity in the environment of

The Constitution (Scheduled Caste) Order, 1950 was based on historical data which clearly established that no such backwardness or oppression was ever faced by members of Christian or Islamic Society. They cannot claim to be backward since backwardness based on Untouchability is only prevalent in Hindu Society or its branches and not in any other religion.

Christianity/Islam.

Affidavit further says that the Constitution (Scheduled Caste) Order, 1950 does not suffer from any unconstitutionality inasmuch as the exclusion of Christianity or Islam was due to the reason that the oppressive system of Untouchability which leads to economic and social backwardness of some Hindu castes was not prevalent in Christian or Islamic Society. There is authentic data to suggest that the oppressive environment which existed-in-Hindu Society for hundreds of years qua Scheduled Castes also existed Christian or Islamic Society.

The Constitution (Scheduled Caste) Order, 1950 was based on historical data which clearly established that no such backwardness or oppression was ever faced by members of Christian or Islamic Society. In fact, one of the reasons for which people from Scheduled Castes have been converting to religions like Islam or Christianity is so that they can come out of the oppressive system of Untouchability which is not prevalent at all in Christianity or Islam. Therefore, once they have come out and ameliorated their



social status by Converting themselves to Christianity or Islam, they cannot claim to be backward since backwardness based on Untouchability is only prevalent in Hindu Society or its branches and not in any other religion.

Citing a series of case laws, the affidavit says that they leave no further doubt that the executive or the judiciary have very limited say in terms of the handling of the Presidential Orders as under Article 341 and the same have to be followed as per the specifics mentioned within the order. Any variations or interpretational understandings which are not evinced at a primary instance from such order, cannot be attached to it by means of an order of a Court or any Executive Authority. The present petition, seeks modification of the said finality of ders under Article 341 and therefore deserves to be dismissed on the above Stated count alone.

The affidavit says that the limited question in the present case would be whether Scheduled Caste converts to other religions suffer from the same degree of oppressiveness as suffered by Scheduled Castes practicing Hinduism, Sikhism and Buddhism? It is submitted that unless the oppressive severity of such backwardness is conclusively established by the petitioners, the present petition deserves to be dismissed.

At the outset it is submitted that the Constitution (Scheduled Castes) Order, 1950 cannot be equated with any other general legislation/notification. It was enacted with a clear objective to extend the constitutional recognition to a specific group of communities, with a specific social and religious history, to achieve a specific purpose. It is submitted that issues concerning identification of Scheduled Castes, within the wide mosaic of Indian society, is a delicate social issue, and the power in this regard under the Constitution, has been exercised with great caution. It is submitted that such social issues are undoubtedly not judicial interventions. The Courts must give due regard to the wisdom of the Parliament/President in these issues.

Madras High Court on December 2 delivered a judgement

The Madras High Court has ruled in the first week of this month that a person “cannot carry his caste after conversion to another religion.” The remark was made while rejecting a man who converted to Islam from Hinduism’s claim of backward class reservation.

Justice GR Swaminathan dismissed the plea of a petitioner challenging the action of the Tamil Nadu Public Service Commission (TNPSC) treating him as the ‘General’ category in the Combined Civil Services Examination-II (Group-II Services) instead of Backward Class Muslim.

Justice Swaminathan citing multiple Supreme Court judgments observed that once a person born a Hindu converts to another religion that does not follow or recognize the caste system, the converted person would no longer belong to the caste he was born into.

Relying on the Supreme Court judgment in the Kailash Sonkar vs Maya Devi case which ruled that the caste of a Hindu is determined by his or her birth. Therefore, if a Hindu converts to Christianity or Islam, or any other religion that does recognize the caste system, he or she ceases to belong to that caste. Upon reverting to the original religion, the person automatically will belong to the caste he was originally born into.

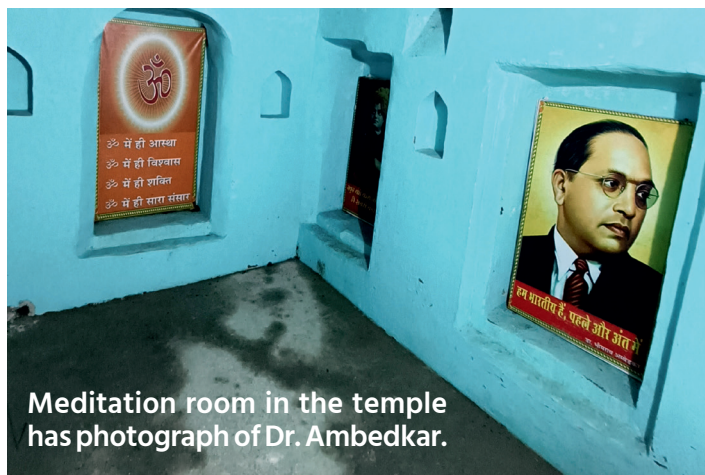
The High Court also stated that whether a person who has converted to another religion is eligible for community reservation is a matter before the Supreme Court. As a result, it will not be appropriate for the High Court to decide on the matter.

The TNPSC’s decision was therefore upheld by the court, which declined to intervene and held that the decision of the commission was right. The petitioner informed the High Court that he and his family were Hindus from the Most Backward Class (MBC). In May 2008, the petitioner and his family converted to Islam. The petitioner took the Tamil Nadu Combined Civil Services Examination in 2018.

He did not make the merit list, and the response to his RTI request revealed that the TNPSC treated him as a general-category applicant rather than a Backward Class Muslim applicant. He claimed that by converting to Islam, he was exercising his fundamental right to practice any religion he desired. However, prior to his conversion, he was an MBC, and the state of Tamil Nadu identified some Muslim communities as belonging to the Backward Class.

The petitioner argued that the TNPSC should have considered his candidacy in the Backward Class community. The petition was opposed by the state government, which claimed that the TN government did not recognize all Muslims as belonging to the Backward Class.

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Meditation room in the temple has photograph of Dr. Ambedkar.

Thirty km away from the holy town of Ayodhya, a silent revolution has taken place. It was not merely a renovation of an age-old abandoned temple but a concrete step taken towards restructuring a new society, in which all human beings are being treated with equality, brushing aside all the social discrimination and narrow considerations.

A silent revolution

Satyajit



Rampurwa is a small non-distinct village in Ayodhya district of Uttar Pradesh. As one travels to Rampurwa village on a dusty road, surrounded by cane fields, nobody imagines that Rampurwa has emerged as a model ideal village, showing the path of social equality. Transformation took place without much fanfare and publicity but the experiment is going on for the past six years. This experiment continues without any hindrance, with the involvement and cooperation of all the local residents.

While one often comes across the news on Dalits being prevented from entering a temple, Rampurwa village temple sees people of all castes, performing pooja and other religious rituals every day. People who perform rituals are from all sections of the society. Be it Dalit, OBC, Vanvasi or so-called higher caste. The village has readily accepted the experiment by heart from the beginning. The new practice is well established now and goes on smoothly.



Amit Yogi, a resident of Rampurwa village, who coordinates the experiment, took me personally to the village. The village has an old temple of Lord Mahadev – Vighneshwar. The temple is said to be 500-year-old. There is no record available with the government or any local resident. The youth like Amit used to feel pain whenever they saw the temple in abandoned condition. Amit says, “Structure of the temple was dilapidated. Animals used to occupy the temple, which was also surrounded by grass and trees. We decided to restore the temple. In course of time, it was not merely a restoration of the temple but restructuring of the society”.

Rampurwa villagers faced a series of difficulties when they decided to restore the temple in its original shape. Government machinery raised a series of objections. Locals had doubts whether it would be legal as there was no owner of the temple on government records. Funds needed for the purpose were in lakhs of rupees. But the determined youths decided to go ahead.

As they started working in the direction, funds started pouring in. Government objections got withered. People started volunteering for the work. In a few months, the temple saw some remarkable changes. Abandoned temple now became a hub of activity in the morning and evening. Devotees started coming to the temple, which was once a neglected structure for them.

Locals stumbled upon the problem when the issue of management of the temple and performing religious rituals cropped up. While the issue of non-religious rituals was solved promptly thanks to volunteers, locals need to sit together to address the issue of performing pooja and other religious rituals in the temple. This was natural as the temple had no traditional priest. Nor did it have any ownership.

At this stage, the idea came up that it was the collective responsibility of all the villagers to ensure that pooja and other religious rituals are performed every day. It was further extended that pooja and rituals should not be restricted to merely Brahmins or Thakurs. Villagers decided that religious rituals would be performed by all, irrespective of caste. It was a unanimous decision.

Rampurwa is a small village with a population of 1500. It has around 200 houses. The village has people of all castes like Brahmin, Thakur, Yadav, Kumhar, Koli, Dhobi, Pasi and Chamhar. The people belonging to all the castes voluntarily decided to engage themselves with the new experiment in the village. Harinath Upadhyaya, who belongs to the Brahmin community said, “It is indeed a good decision. It is a sin to think that only particular people have the right to perform pooja. All are equal before God. We do not have any objection. In fact, this has changed the atmosphere in the village”.

Amit Yogi said that they needed to take help from the people from neighbouring villages as Rampurwa alone had not enough families. “We identified 365

families from all the castes, who were ready to perform pooja once in a year. Now families of seven villages are involved in the experiment”.

Rampurwa village has now a list of 365 families, whose day is fixed to perform pooja. The family is alerted a few days before their turn. They come with their family members, relatives and neighbours to perform the pooja. Villagers had trained a youth from scheduled caste, under whose guidance pooja is performed. All religious books like Ramayan, Mahabharat, Bhagwadgita and Puranas are worshipped along with Vighneshwara. Bhajan is presented every evening before pooja while other religious books are also ready publicly.

While one often comes across the news on Dalits being prevented from entering a temple, Rampurwa village temple sees people of all castes, performing pooja and other religious rituals every day. People who perform rituals are from all sections of the society. Be it Dalit, OBC, Vanvasi or so-called higher caste. The village has readily accepted the experiment by heart from the beginning. The new practice is well established now and goes on smoothly.

Six years after the experiment began, Rampurwa is experiencing few changes. Villagers experience a sense of unity and brotherhood. “This has motivated us to undertake a few other activities like health camps and education”, said Amit Yogi. Vishram Ramdin Rampurwa, who belongs to the Yadav community, said, “It has brought a lot of change in my life. I am experiencing peace and mental stability. I used to stay in a kachha house. Now I have a pucca house. My both sons got jobs. I am happy”.

After conserving with the people, the most remarkable factor emerged was that social equality was not only restricted to temples but unfolded in all walks of village life. “We never had any undesirable incident, coming out of social discrimination,” said Amit Yogi. Inspired by Rampurwa success story, people from other parts of Uttar Pradesh, have started inquiring about the experiment. Currently, five villages are in the list to start a similar experiment to strengthen brotherhood and equality. Amit Yogi said, “We are helping them to carry out such exercise. We are clear that there cannot be any social discrimination and all are equal. All are the children of God”.

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Protective steps needed for conservancy staff

India has witnessed 1032 deaths of conservancy staff during the manual scavenging between 1993 and November 2022. Besides, some deaths may have gone unreported. The issue needs to be resolved with top priority. Government and people need to join forces to prevent such incidents. Author is a Human Right activist and winner of 2010 Global Human Rights Protection Award.

Adv. Girender Nath



The creation of an ideal and happy society is unimaginable till the social evils are eradicated and issues plaguing the society are addressed. Since ancient times, many great people have stressed the need to create a society on the basis of social integration and brotherhood. Many thinkers and leaders such as Swami Dayanand Saraswati, Swami Vivekanand, Mahatma Gandhi, Dr. Babasaheb Ambedkar, Pandit Deendayal Upadhyay, Ram Manohar Lohia have made incessant efforts to eradicate the social evils. Presently, the issue of

unnatural and untimely deaths of conservancy staff in sewage lines needs to be resolved with top priority.

Providing the opportunity to exercise the freedom of occupation for everyone is essential for bringing in social brotherhood and integration. Although society needs all types of occupations, some of them are considered respectable and some are considered inferior. Society needs conservancy staffers to maintain health and hygiene, as much as it needs the police and military forces for its safety.



Unfortunately, society does not treat them with the respect they deserve.

In India, the occupations of people used to be determined on the basis of their castes. As a result, the conservancy staffers are treated as untouchables even by the depressed classes. Indeed, untouchability is an inhuman practice. Moreover, the occupation and working environment of conservancy staffers are even more intolerable. People engaged in this occupation come from different castes in different states of India.

People living in villages continue to defecate in public. Conservancy staff has been forced to do manual scavenging of faeces for ages though the government has prohibited manual scavenging and has also formed the National Commission for Safai Karmacharis to rehabilitate the conservancy staff and their dependents and to address issues faced by them.

The Government of India has issued directives to prohibit the practice of manual scavenging and to promote flush toilets. However, as per the 2011 Census, still, the practice of defecation in public prevails at approximately 26 lakh places across the country. Of these 26 lakh places, the faeces are left untouched in open spaces at 14 lakh places and manual scavenging of faeces is carried out at the remaining eight lakh locations.

The urban population has increased manifolds post-Independence. Resultant, multi-storey buildings where underground sewage lines are used to flow away faeces have been constructed in large numbers. These sewage lines often clog up and conservancy staff is required to enter inside the clogged sewage line to clean it up. Many have died untimely due to various reasons arising due to such works in sewages. At times, such deaths take place due to reasons such as lack of experience, emission of poisonous gases, lack of proper maps of sewage lines and manholes and even due to essential equipment.

As per the available statistics, various states have witnessed more than 1032 deaths due to these reasons between the years 1993 and 2022. Possibly, some such deaths may have gone unreported too. Tamil Nadu has witnessed the maximum number of 224 such deaths, followed by 153 in Gujarat, 91 in Karnataka and 103 in Delhi. The Supreme Court issued an order on March 27, 2014, providing for compensation of a maximum amount of up to Rs 10 lakh under such circumstances.

Around 125 years ago, Swami Vivekanand spoke on the plight of conservancy staff saying that the conservancy staff has been engaged in an extremely inhuman occupation for centuries to maintain cleanliness and hygiene for others. However, instead of respecting them, we are degrading them by practising untouchability. Still, they continue their work patiently. What would happen to this country if they go on strike to display their self-respect? Would this not result in chaos? We must treat them

In different states, conservancy staff mainly come from the following castes:

Andhra Pradesh	Mehtar, Relli, Paki
Assam	Hare, Mehtar, Bhangi
Bihar	Bhangi
Gujarat	Bhangi, Rukhi
Haryana	Valmiki, Chuda, Bhangi
Himachal Pradesh	Bhangi, Valmiki
Jammu & Kashmir	Chuda
Karnataka	Bhangi, Mehtar, Algana, Rukhi, Palkanar, Lalvegi, Valmiki, Karur, Jadmali, Halalkhor
Kerala	Chandal
Maharashtra	Mehtar, Alangana, Rukhi, Malkana, Lavengi, Halalkhor
Madhya Pradesh	Bhangi
Meghalaya	Mehtar, Bhangi
Manipur	Namshudra
Odisha	Bhangi, Mehtar
Sikkim	Bhangi
Punjab	Bhangi, Valmiki, Chuda, Peer, Balasa, Barikh
Rajasthan	Bhangi, Mehtar, Rukhi, Olaganar, Malkhana, Halalkhor, Lalvegi, Jadbulla
Tamil Nadu	Chandal
Tripura	Mehtar
Uttar Pradesh	Bhangi, Valmiki, Mehtar, Hela, Dhanuk, Dom, Dumar
West Bengal	Hari, Bhangi, Mehtar, Babudi
Arunachal Pradesh	Kaikartha
Chandigarh	Bhangi, Valmiki, Chuda, Majhabi Sikh
Delhi	Bhangi, Valmiki, Chuda
Goa, Daman and Diu, Dadra and Nagar Haveli	Bhangi



honourably.

In the technology driven times, India can use indigenous technology even to land on the moon, why can't we invent machines to curb such unfortunate incidents with conservancy staff? The Government needs to give serious consideration to this issue and resolve it immediately. Government and people need to join forces to form policies to prevent such deaths and to act on them. There is a dire need to divert the conservancy staff and their children to other occupations. A fresh survey by the central government to ascertain the social, economic and educational conditions of conservancy staff and their dependents is essential for reviewing and modifying the schemes launched for them.

In 746 cases of sewer deaths, compensation of Rs 10 lakh has been given to the relatives of the deceased by the competent authorities. In the same 104 cases, less than 10 lakh compensation has been provided. The numbers of No payment, Legal heir not yet traceable and cases closed due to non-available of legal heirs' cases are 139.

MEASURES

1. National Commission for Safai Karmacharis must be made a statutory body and granted powers of civil court as well as a constitutional body. This recommendation has been made repeatedly in reports of the Commission and several social organisations. As of today, besides 80 per cent of conservancy staff who have been engaged in this occupation ancestrally, even people belonging to the castes considered higher are doing this work due to the lack of employment. Since the National Commission for Safai Karmacharis is ad-hoc, officials do not take it seriously. The scope of the commission must also be expanded to enable it to do justice to the conservancy staff. 43 sewer cleaning workers have died after the National Commission for Safai Karmacharis tenure ended in March 2022.

2. Tribunal Courts must be formed at the district level in all States to provide compensation to the dependents of those who die during the scavenging of sewage lines as per the order issued by the Honourable Supreme Court.

3. The Manual Scavenging Act, 2013 needs to be amended to provide travel allowance to the members of supervising committees formed at various levels from district level to national to enable them to visit the places of occurrence. How would they be able to file objective reports as they sit at home and meet once in six months?

4. The Manual Scavenging Act, 2013 also needs to be amended to provide for compensation for the deceased as well as those suffering injuries in the incidents of deaths in sewage lines as per the orders issued by the Supreme Court in March 2014 and to ensure that the District Collector pays the compensation without any delay. This is imperative because the order of the Supreme Court is not clear as to who would pay the compensation and how



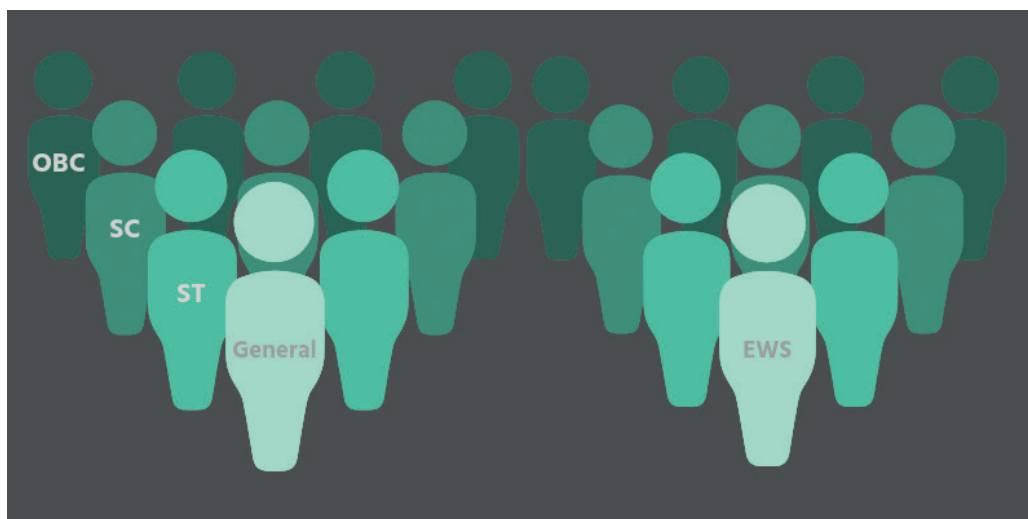
much compensation is to be paid to the survivors. Dependents of several deceased conservancy staff and many injured are deprived of compensation due to this ambiguity.

5. Total ban must be imposed on the manual scavenging of tanks and sewers and cleaning through a mechanical process be made to ensure that no conservancy staff dies during the cleaning of sewage. The Government must form a special policy for the purpose and execute it through appropriate officers.

6. Despite stringent laws, the contract system enables the contractors to escape from the clutches of the law and the affected family is deprived of the benefits of legal provisions. Governments have awarded the contracts of conservancy works to private contractors, who do not abide by the laws and rules. Resultant, deaths in sewages continue unabated. Therefore, strengthening institutions coordinating between the Centre and State Governments is essential.

7. A fresh survey by the Central Government to ascertain the social, economic and educational conditions of conservancy staff and their dependents is essential for reviewing and modifying the schemes launched for them.

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No need for EWS reservation

If we study all the data and statistics, we observe that there is no need for EWS reservation in educational institutes and the government. Because Article 38 states that “State to secure a social order for the promotion of welfare of the people” and Article 46 states that “Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections” which basically govern in the Part IV Directive Principles of State Policy in the Constitution of India.

Ritik



After 75 years of independence, SC, ST and OBC mean that 82% of the population is demanding social, economic and educational rights from 5% of people who are running Indian Government. Then the question arises, is it true independence? Is it still true that the government is still Maibap Sarkar, as described by Mahatma Phule? In his opinion demanding Independence is a political reform but if we want to achieve social reform, we must kill five headed snakes (Social, Economic, Political, Educational and Mental) of Brahmanism by social reforms.

On 7 November, the Supreme Court bench upheld the provision of reservation for the Economically Weaker Section (EWS) among the upper caste in education and employment in a majority decision. 103rd Amendment of Constitution of India says that a person with an annual gross household income of above Rs. 8 lakh, Families that own over 5 acres of

agricultural land, a plot of over 100-yards in a notified municipal area, or over 200-yards plot in non-notified municipal area cannot avail of the reservation. In India, 98% people earning less than Rs.8 lakh per annum, and the economic status is transient in nature, it keeps on changing, that is why it cannot be a sole criterion for reservation.

Let us take an example: if a person takes EWS reservation, and after some days, he wins the lottery of Rs.1 Crore and buys a luxurious house and luxurious car, will he be considered under EWS category? When we study our Indian Constitution, reservation is based on social “and” educational backwardness and not social “or” educational backwardness. Article 338, 338A & 338B of the Indian Constitution establish a commission for SC, ST & OBC, Article 341, 342 & 342A is for the identification of SC, ST & OBC and Article 15(4), 15(5), 16(4), 16(4A), 16(4B), 243-D (4) & (6), 243-T (4) & (6), 330, 332 special provisions for SC, ST and



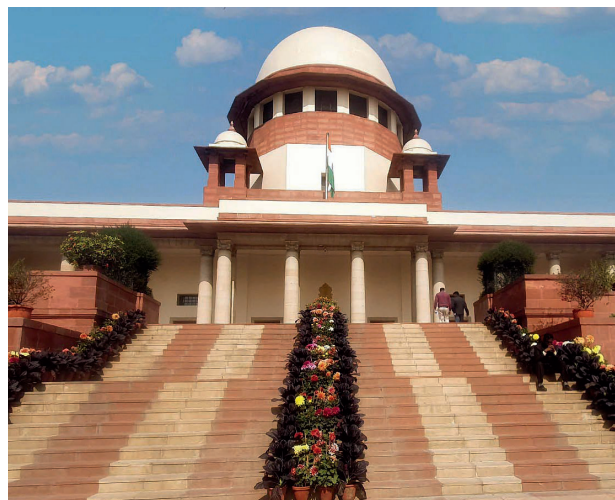
OBC respectively. But in the case of EWS reservation, except amending Article 15 & 16 of the Constitution there is no survey nor a commission established. Dr. B.R. Ambedkar in his book *Annihilation of Caste* asked "What is your Ideal Society?" and answers, "My Ideal Society would be based on Liberty, Equality and Fraternity". If we look at the statistics (NSSO 2004-05), 31.7 crore people were below the poverty line (BPL), of which the Scheduled Caste Population was 7.74 crores (38% of total SC), Scheduled Tribe Population was 4.25 crores (48.4% of total ST), 13.86 crores of OBC Population (which were 31.1% of total OBC), and 5.85 crores of General Category (18.2% of total General Category Population). The statistics shows that only 5% population of general Category is below poverty line, for that 5% people government pronounce 10% Reservation and other category cannot avail that reservation, it's clearly violation of Article 14 because more than General Category SC, ST & OBC are in below poverty line.

The report of three-member for Economically Backward Classes, also known as a Sinho Commission itself stated that the backward class poor are poorer than the upper-class poor. He would underscore the point that poverty is deeply linked to the caste of an individual and the perception surrounding that status. In India 25% of Indians lack even a "Birth Certificate", so are they supposed to prove their EWS eligibility? The NITI Aayog Report considers- as poor, an individual spending less than Rs.47 a day in cities as against one spending less than Rs.32 a day in a village. If we calculate this amount yearly the person, who is earning Rs.17,155 in cities is poor and Rs.11,680 is poor in villages then how did the Rs.8 lakh criteria come up? This is ironic that a person, earning less than Rs 8 lakh per annum, can have EWS eligibility but the person, earning Rs 2.5 lakh per annum, has to pay income tax.

When we talk about the representation in the Government Offices the representation of SC, ST and OBC in Group A is, 11.1%, 4.6% and 12% respectively, on the other hand 18% of population consist of 70% jobs. Out of 41 Grade A posts in the department of Scientific and Industrial Research, there is only one OBC officer. In Madras, Brahmin comprising barely 3% of total population occupied more than 80% of the posts. In Group B only 14.3% of SC & 5.5% of ST, in Group C & D there is only 16% & 7.8%, 19.3% & 7% of SC, ST respectively. In the princely state of Mysore, the Tamil Brahmins monopolized all the jobs.

If we study all the data and statistics, we observe that there is no need for EWS reservation in educational institutes and the government. Because Article 38 states that "State to secure a social order for the promotion of welfare of the people" and Article 46 states that "Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections" which basically govern in the Part IV Directive Principles of State Policy in the Constitution of India. It is a total failure

of the political leaders of the state because they use reservation as a political agenda for votes. In 2014, to win Lok Sabha Election, they raised the issue of Jats reservation under OBC category which was rejected by the Court. In Maharashtra the Gowari Samaj appeal for reservation under ST category, was rejected by the Court. In Gujrat reservation of Patels was also rejected by the Court. Our political leaders didn't want to talk about quality of education, employment, infrastructure, etc. In the 2018 Labour Bureau report on employment-unemployment, no information was released because the country's unemployment rate has risen to 6.1%, making it the worst in the last 45 years. In the year 2018-19, 51 thousand government schools across India have closed, while the number of private schools has increased by about 3.6%. The rank of India in the Global Hunger Index is 107 out of 121 countries and Pakistan is 99.



As Dr. Ambedkar said "Caste is a monster in India, you cannot have political reform, you cannot have economic reform, unless you kill this monster". Without annihilation of caste, India cannot achieve equality, fraternity and Justice. The purpose of reservation was to enable the backward classes to have a level playing field with the forward class so that they can participate in public life with them on an equal basis. Reservation is not a poverty eradication scheme. Relying upon the census report, the population falling under EWS would be 5% and providing 10% of reservation for such a small population is manifestly arbitrary and a fraud on the Constitution. Eradication of poverty is the responsibility of the government. Instead, political leaders are seen using caste, religion and class for political benefits. So how can India be considered a truly democratic nation if the minorities fully represented and voices are not heard in legislative body?

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Munmun Biswas, a holder of a master's degree, degree in Textile designing from NIFT, MBA from IIFT has carved out a niche in handloom sector. She is President East India of - Dalit Indian Chamber of Commerce & Industry (DICCI) and Governing body member of IIM Sirmaur. Her journey to become entrepreneur was full of challenges though her family has a background of IAS officer father and brother. She is founder of Coeval Crafts Pvt Ltd and brand Indiloom – a textile brand of sarees and dresses – a craft venture speaks candidly about her journey in this exclusive interview to the Unheard Voices.

A master in history, now a master in textile

UH : Tell us about your family and educational background.

MB : In the context of our community of Dalit people, you can say I am a little privileged due to the exposure I got in my family. My father was an IAS officer posted in Delhi. My brother is also an IAS officer. I was born and brought up in Delhi. I did my master's degree from DU in History. But later, I found out that my inclination is not towards a secured job. I wanted to become an entrepreneur and work for my self and to provide jobs to others. While completion of masters, I started a manufacturing unit of handlooms in my village West Bengal. I faced difficulties because I did not have any technical know-how about Textile manufacturing and business knowledge. Then along with running the manufacturing unit I joined NIFT to do a bachelors in Textile Designing. To get hands on experience I put a hold to the business and worked for Jharkhand Govt for its handloom and handicraft corporation as Head Designer for 4- years. There I attained a chance to work in clusters level of manufacturing of handloom and handicraft. After four years I left the job with profound knowledge in manufacturing, sourcing, market and Human Resource of specific skill set and started my own private limited company, a manufacturing unit of Digital Printing on Fabric and set up a organised full fledged factory

UH : Why did you choose the handloom industry? Were you inclined towards it?

MB : I am very much drawn towards handcrafted products and handloom from childhood. I love the rawness and emotional quotient works to produce a craft. It also gives a chance to be connected with the rural traditional craft which are not able to sustain them with the competition of fast market.

UH : Can you tell us more about your business?

MB : To set up a organised factory it requires funding, I got funding from the IFCI Venture Capital Fund of Ministry for Social Justice and welfare. My family background is not from business, I am the first generation entrepreneur where the finance crunch and the know how of running a business was a new thing. I came to know about the IFCI venture capital fund for Scheduled caste through newspaper and social media. I applied online about my proposal and it was cleared by IFCI for funding. They fund the Scheduled Caste entrepreneurs at a nominal rate of interest. My first factory is successful and fully utilised its capacity. We have now 80 employees working. I am now putting up a second factory, triple the size of I am running presently. I hope that in another six months, 200 more people will be in my industry working for the company.

UH : What difficulties do you face while running this business or while setting it up? What were the problems you had to deal with?

MB : Firstly, for a start-up and a first-generation entrepreneur, the whole experience is very different.



To set up a business, you need to have your paperwork done and understand the government formalities and the norms. Doing compliance is a major task because the online facility is still not available here. For all compliances and paperwork, we need to knock government offices and desk. To push files fast & smoothly even had to do unethical things. It takes a long time for the file to travel from one place to other.

To enter business from a non business community is a big task to get into the family of business fraternity.

UH : When you approach your client or customer at the initial stage, do they readily accept your designs or your products or your ideas?

MB : Initially we were focussed in job work, doing printing for others. Now we are selling in our own brand on our own design, its very much appreciated by people. We are approached by far away down south and north. Right now we are not able to cater new clients and have to ask them to wait until we set up the second factory which we are constructing.

UH : A prior interview of you starts with Don't show us these Dalit designs and colours. Show us something exquisite. Does designing have the Dalit impression and the upper caste impression? Is there discrimination in the field of design too?

MB : Of Course! Design and textiles are very much oriented with its origin & background. We can distinguish persons by clothes, Colors pattern and wearing style. You can easily recognise a Rajasthani because they use very bright colours. Everywhere it is different. Therefore, that is there in the fashion industry.

UH : Calling someone of a state by their clothes cannot be considered discrimination.

MB : Indeed, the level of discrimination is varied. But its everywhere prevalent. I have heard remarks like these colour and patterns are wore by the Bhangis (lower caste sweeping community) so don't show us such pieces. We found that people of the middle class who have come from the village but now settled in Delhi and big cities are in mode of transforming themselves as elite. To modernise they first change there look and wearing. They distinguish themselves from the lower caste people who are still living in rural villages majorly.

UH : Your father and brother are IAS officers. Did they face discrimination?

MB : Cast Discrimination is still prevailing and am sure they must have faced the odds in their own level. Its the confidence which can break such discrimination and make people respect you for what you are.

UH : How do you tackle discrimination?

MB : Frankly, in job people are aware of your belonging as you have to disclose your identity. However, when I am doing my business, I believe people are unaware of my cast. Neither do I want to disclose it upfront unnecessarily. Here I think disclosing my identity surely shock & they might be reluctant to work with us. Not being from business community and doing well is questionable but again

ABOUT MUNMUN BISWAS

- Hails from North 24 Parganas district of West Bengal.
- Born and brought up in Delhi.
- Set up a small handloom manufacturing unit at Ranaghat village while doing master's degree in History from Ramjas College, Delhi.
- Did a four-year graduation course of Textile Design from NIFT, Kolkata and later MBA from IIFT, Kolkata.
- Opened her online venture indiloom.com to sell Sarees and Dress materials
- Currently in the process of setting up second digital printing factory for Coeval Crafts
- Heads the East India of Dalit Indian Chamber of Commerce & Industry (DICC)



I believe till clients are fetching profits from our work will overlook the caste. But I am sure they won't be very happy to work with a company which belongs to a certain community.

UH : How would you educate others to take up the role of a business person, or give jobs instead of doing one? What would you do about that?

MB : Being East India President of Dalit Indian Chamber of Commerce and Industry I get immense opportunity to encourage Dalits interested in setting up a business. We work on seeking to avail all the policies of the Government which are helpful for establishing business and creating business network. There are a lot of chambers like the CII that are working for developing business community. But for the Dalits, particularly a community which has no forefathers doing business and not very confident of their identity needs a handholding. Dalit Indian Chamber of Commerce and Industry provides the handholding and introduces to like minded group of people who are fighting all odds by taking risk of doing business and excels, leaving easy prospects of secured job opportunities. Mostly our first-generation entrepreneurs doing their businesses in their local area or their state. They have no opportunities to come out of their places to interact and flourish their business. We have chapters throughout India and abroad. We are connecting people. We connect all our members and encourage to develop bigger.

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Kushinagara : The place of Mahaparinirvana

Whatever remains at Kushinagara today is a mixture of various period. However, for a pious mind, this does not matter at all. The sanctity of the place is so important that thousands of devotees visit this place during the year especially on the occasion of Buddha Purnima. Like Lumbini, Kushinagara is also one of the most important pilgrim places for the Buddhists as it was here that the Lord attained Mahaparinirvana. In fact, the pilgrimage of the Ashatmahasthanas ends here.

Dr. Manjiri Bhalerao

Gautama Buddha was constantly moving around spreading his religion in different parts of the country. However, over the period of time, he grew older and at the age of 80 he slowed down his pace. Still, he was invited along with the monks by many of his lay devotees for lunch, at their place. One such devotee was Chunda, a blacksmith. He used to live at Pava. He had invited the Tathagata and his disciples for the daily meal. It so happened that after the meal, Gautama became unwell. In that condition, he went to Kushinagara (modern Kasia near Deoriya, Dist. Kushinagara in U.P.). It was a part of the Malla kingdom. There, in the monastery, he

was attended by Anand and some other disciples. His body was cremated with all royal honours as he was the Dharmachakravartin - Sovereign Emperor of the Spiritual World!

After the cremation, eight groups came forward to get the share of the relics of the body. All of them wanted to construct stupas on those relics. There was quite a struggle among those claimants to get the relics. It is told to us that they almost fought a war to claim the relics. There was a Brahmin named Drona. He suggested that the relics should be divided into eight parts and eight stupas should be constructed on them. The tradition tells us that it so happened and



eight stupas were constructed by these claimants in their own respective territories. Among the claimants was King Ajatashatru also. The Mallas constructed a stupa on their own share of the relics at Kushinagara itself.

The earliest history of this centre is unknown, but according to Hiuen Tsang, Ashoka built three stupas here and in the vicinity. In front of it was a stone pillar with an inscription recording the event of the Mahaparinirvana. He saw a second inscribed stone pillar by the side of the stupa, built by Ashoka at the spot where the relics were divided.

Out of the information given by the three Chinese pilgrims, Fa-hien, Hiuen Tsang and I-tsing, that of Hiuen Tsang is elaborate. He referred to a number of stupas, commemorating the important events and spots connected with the Mahaparinirvana, such as the Ashokan stupa on the site of the house of Chunda, the blacksmith. The focus of the ruins at the main site is a stupa (Nirvana-chaitya) with a shrine in front (west), both standing on a platform, 9 ft. high. With a cylindrical base, the stupa stood to a height of more than 55 ft. above the platform. During the excavation, at a depth of about 14 ft. from the top, was found a circular brick chamber accommodating a copper vessel, embedded in sand and a mass of cowries.

The vessel contained charcoal, cowries, precious stones, pearls and two copper tubes, one of which yielded ashes, a small emerald, a silver coin of Kumaragupta I (A.D. 415-55) and a tiny gold tube encased in a silver one. The mouth of the vessel was closed by a copper-plate on which was written, mostly in ink, the Pratitya-samutpada-sutra in Gupta period Brahmi script. The record concluded by saying that the copper-plate (tamra-patta) had been deposited in the Nirvana-chaitya by one Haribala. Further down, at a depth of 34 ft. was found the circular plinth of a small stupa, 9 ft. 3 in high, with a niche on the western façade having a terracotta figure of Buddha in dhyana-mudra, stylistically ascribable to the first century A.D. Inside the stupa were found pieces of charcoal and earth. The Nirvana-chaitya was thoroughly renovated in 1927 out of the

donation of Burmese devotees. The Nirvana-shrine in the front houses a colossal sandstone image of Buddha in the lying state on a brick pedestal, with three mourning figures and an inscription recording the gift of the image by the Mahavihara-svamin Haribala, most probably the same individual as the one mentioned in the copper-plate found within the Nirvana-chaitya.

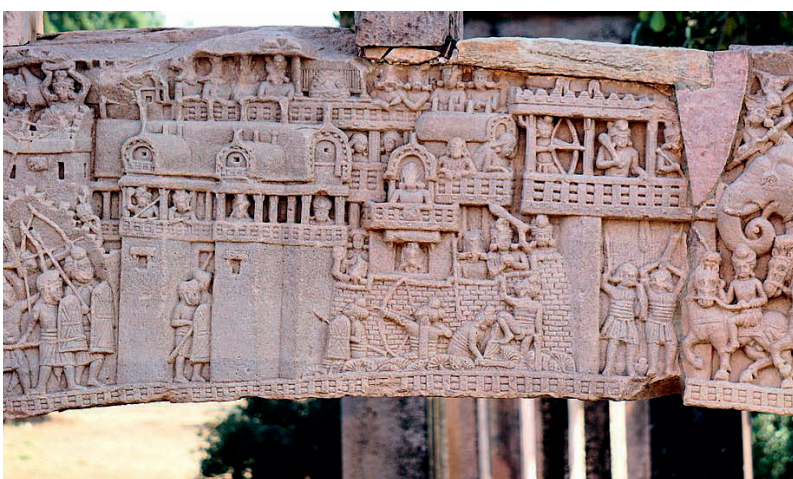
The shrine was completely but clumsily restored in 1876; it was again rebuilt in 1956 on the occasion of the Buddha-Jayanti celebrations. Both the shrine and the platform on which it stands along with the stupa had been built on earlier remains, as found during the excavation. The other remains at the main site consist of votive stupas, monasteries and miscellaneous remains. The votive stupas are clustered near the south of the main stupa, but small groups occur elsewhere as well. Some of them, to the east of the stupa-platform, are to be seen partially buried under it, indicating their earlier date.

The excavated monasteries, including the partially-exposed ones, are not less than eight in number. They follow the usual plan of an open courtyard in the centre surrounded by cells and, were built and rebuilt at different times, the earliest in the Kushan period and the latest in the tenth-eleventh century A.D. From a few objects, such as clay sealings and tablets dating from the Gupta period, it appears that some of them were constructed more or less simultaneously with the buildings of Haribala. In spite of the record of the activities of Ashoka at Kusinagara, nothing that is definitely earlier than the Kushan period has been found in the excavations. The objects of that period consist of coins of Wima Kadphises and Kanishka and a fragmentary inscription.

Nearly a couple of kilometres to the east of the Parinirvana Stupa is a colossal stupa (about 50 ft. high), locally known as Ramabhar-stupa and believed to represent the spot of the cremation of Buddha. Surrounded by shrines and votive stupas, its plinth is 155 ft. in diameter at the base and is built in two or more terraces, over which rises the drum, 112 ft. in diameter. Excavation into its core did not yield any relics, though various clay tablets with the usual Buddhist symbols were found around it. The stupa, which, no doubt, was an object of high sanctity, underwent earlier repairs and renovations.

In this way, whatever remains at Kushinagara today is a mixture of various periods. However, for a pious mind, this does not matter at all. The sanctity of the place is so important that thousands of devotees visit this place during the year especially on the occasion of Buddha Purnima. Like Lumbini, Kushinagara is also one of the most important pilgrim places for the Buddhists as it was here that the Lord attained Mahaparinirvana. In fact, the pilgrimage of the Ashatmahasthanas ends here.

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ELECTION December 2022

BJP was considered as a party of upper caste people till few years back. Results of past one decade shows that party has expended its support base, which covers SCs and STs remarkably. SCs and STs were regarded as anti-BJP forces because of party's commitment Hindutva. Gujarat and Himachal Pradesh results for Assembly reiterate that BJP has made deep inroads in constituencies reserved for SCs and STs. Gujarat results even underline the fact that non-BJP political parties do not stand in the competition.

2017

HIMACHAL

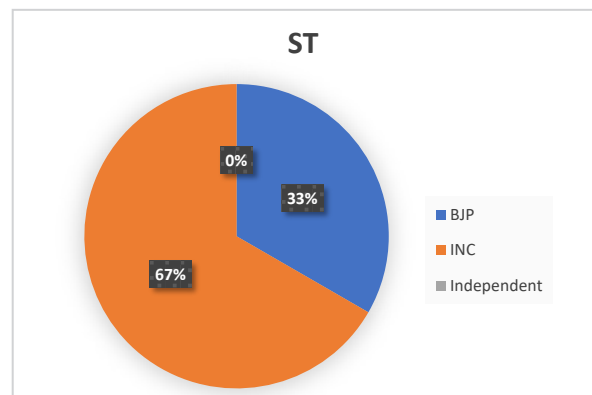
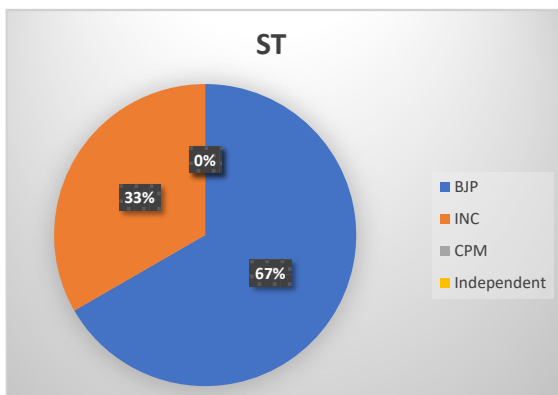
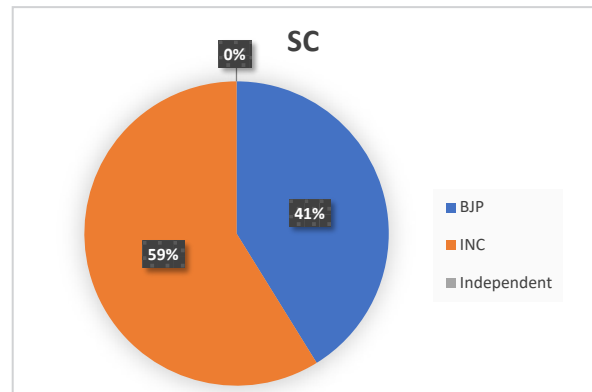
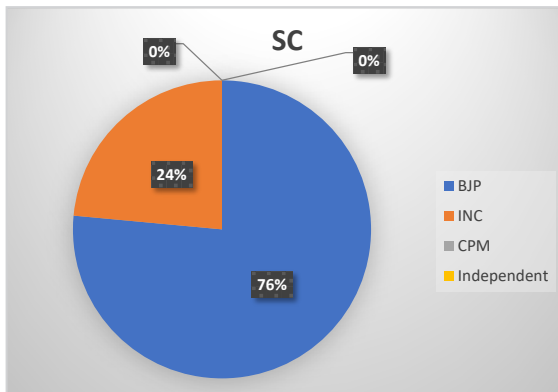


PRADESH

2022

Constituency Assembly seats won				
	BJP	INC	CPM	Independent
General	29	16	1	2
SC	13	4	0	0
ST	2	1	0	0
Total won	44	21	1	2

Constituency Assembly seats won			
	BJP	INC	Independent
General	17	28	3
SC	7	10	0
ST	1	2	0
Total won	25	40	3



In 2017, Himachal Pradesh Assembly election, there are 20 reserved constituencies- out of 20, 17 seats were reserved for Scheduled Castes and 3 seats reserved for Scheduled Tribes. In 2017, BJP won 15 and INC 5 seats from Reserved constituencies. BJP led alliance won 75% and INC won 25% reserved seats in 2017 assembly election.

In the 2022 Himachal Pradesh Assembly election, out of 20 reserved constituencies, BJP won 7 SC seats and 1 ST seat, Congress won 10 SC and 2 ST seats. Congress grabbed 60% of reserved constituencies in this election on the other hand BJP won 40% reserved seats.



GUJARAT

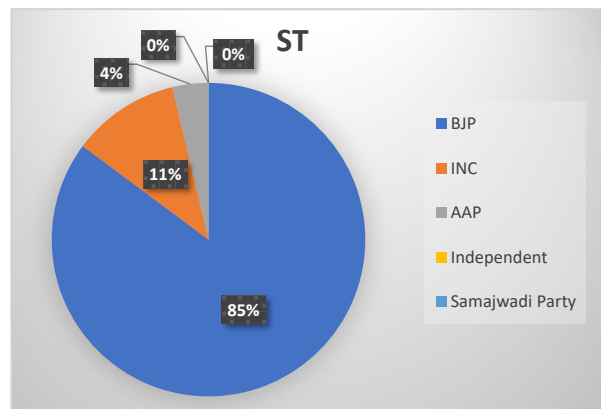
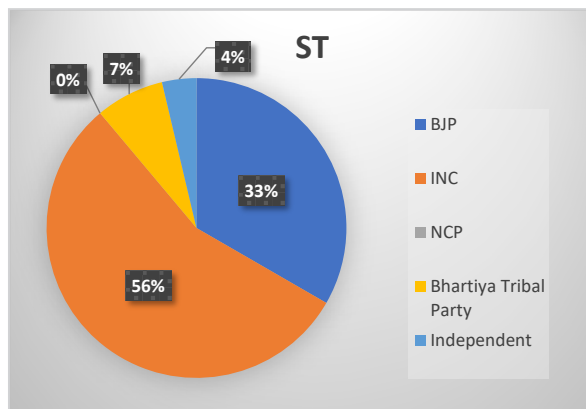
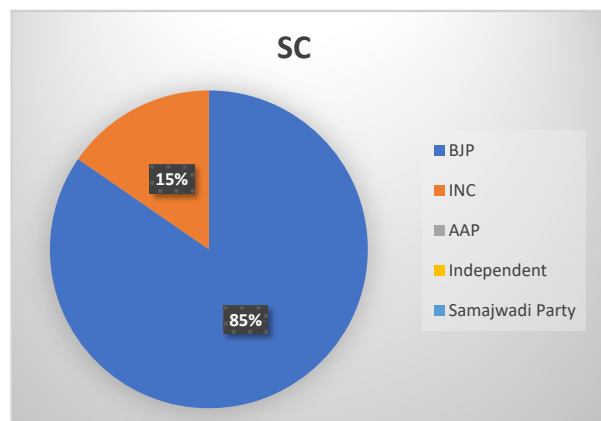
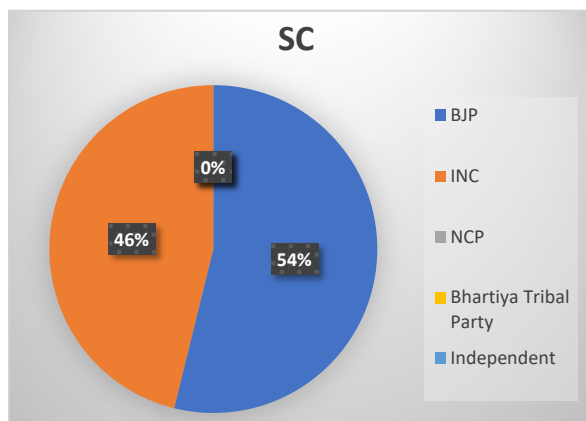


2017

2022

Constituency Assembly seats won					
	BJP	INC	NCP	Bhartiya Tribal Party	Independent
General	83	56	1	0	2
SC	7	6	0	0	0
ST	9	15	0	2	1
Total won	99	77	1	2	3

Constituency Assembly seats won					
	BJP	INC	AAP	Independent	Samajwadi Party
General	122	12	4	3	1
SC	11	2	0	0	0
ST	23	3	1	0	0
Total won	156	17	5	3	1



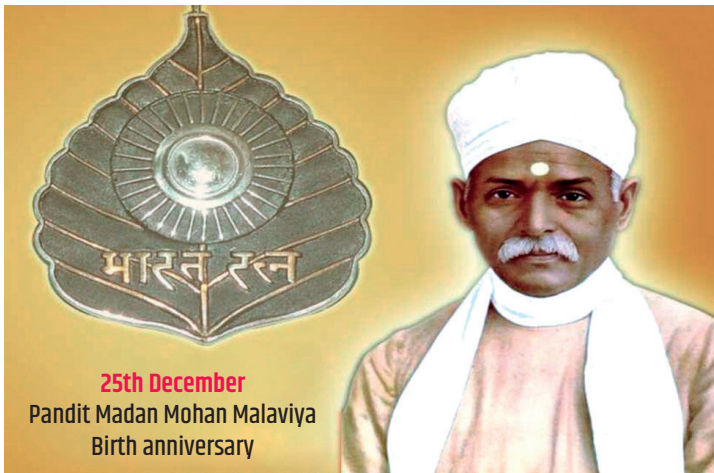
In 2017, In Gujarat Assembly election, there are 40 Reserved constituencies . out of 40 seats 13 seats were reserved for Scheduled Castes and 27 seats reserved for Scheduled Tribes. In 2017, BJP won 7 SC seats and 9 ST seats, INC won 6 and 15 SC and ST seats respectively , Bharatiya Tribal Party won 2 ST seats and independent candidate got elected from 1 ST seat. 52.5% of reserved seats won by INC, 40% won by BJP, BTP and independent candidates won 5% and 2.5% reserved seats respectively.

In the 2022 Gujarat Assembly election, out of 40 reserved constituencies, BJP won 11 SC seats and 23 ST seats , Congress won 2 SC and 3 ST seats and, 1 ST seat won by Aam Aadmi Party. BJP grabbed 85% of reserved constituencies in this election, Congress and Independent candidate won 13% and 3% reserved seats respectively.

Compiled by Team UV

DIN VISHESH

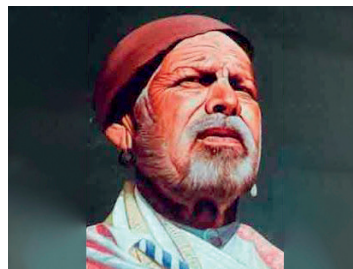
Remembering Madan Mohan Malaviya



In order to deal with the problem of the depressed classes, Madan Mohan Malaviya suggested and initiated consecration ceremony or Diksha Sanskar and started the Shuddhi Sabha (Purification Society). It was provided for in all religions. Malaviya believed with the puranas that a consecrated man become entitled to all the privileges of a Hindu. In Diksha is inherent the idea that the man who takes it will discard all bad habits and thus become pure and religious. Malaviya supported every legislative effort for the modifications of moral, material and educations of the depressed classes. He, however laid stress on education which he regarded as an ideal solvent of the problem of the depressed classes. Malaviya regarded untouchability a great stigma on the Hindu society and an obstacle in the way of national progress and reconstruction. He therefore pleaded for providing equal rights and privileges to the depressed classes in society.



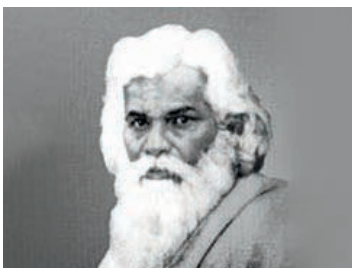
17th December
Bhagat Narsi Mehta
Birth anniversary



20th December
Sant Gadgebaba
Death anniversary



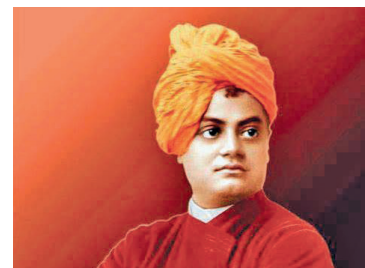
22nd December
Sarada maa
Birth anniversary



2nd January
V. R. Shinde
Death Anniversary



3rd January
Savitribai Phule
Birth Anniversary



12th January
Swami Vivekananda
Birth Anniversary