The Intensification of the Caste Divide: Increasing Violence on the Dalits in Neoliberal India

La intensificación de la división por casta: el aumento de la violencia contra los dalits en la India neoliberal

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Abstract

This paper is a study of the increasing instances of violence on the Dalits in contemporary India. It contextualises such violence in the new economic reforms of the 1990s which inaugurated the neo-liberal policies of privatisation and signified a withdrawal from a certain kind of state welfare. Apart from the extended role for the market, such a transition is also worked out by manoeuvring with the constitutional mandated form of social justice. By examining the physical, structural, and the symbolic infliction of violence on the Dalits, this paper argues that the caste divide has not only evolved in form, but also intensified.

Keywords: Dalit, neo-liberalism, caste, violence.

Resumen

Este artículo realiza un estudio del aumento de los casos de violencia contra los dalits en la India contemporánea. El artículo defiende que dicha violencia se enmarca dentro del contexto de las reformas económicas de la década de 1990,

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que dieron paso a las políticas neoliberales de privatización y la retirada de otras relacionadas con el Estado del bienestar. Además de una mayor relevancia del mercado, esta transición económica, defendemos, ha implicado una revisión conceptual del objeto de la justicia social como un mandato constitucional. A través de un examen de la violencia física, estructural y simbólica infligida a los *dalits*, este artículo demuestra que la división por casta no solo ha evolucionado en su forma, sino que también se ha intensificado.

Palabras-clave: Dalit, neoliberalismo, casta, violencia.

Introduction

"Dalit minor gang-raped multiple times where the girl's parents are laborers"; "Dalit youth thrashed for touching food at a wedding"; "Six Dalit students allegedly made to clean toilet in government school by headmistress"; "'Cow urine' used to purify tank as Dalit woman drank water from it"; "Dalit workers assaulted, confined for days"; "Dalit teen boy died after assaulted by upper caste teacher for spelling a word incorrectly"; "Bodies of two Dalit minor sisters found hanging from a tree were first raped, strangulated to death"; "Minor Dalit boy beaten up by headmaster for touching his bike"; "Dalit school teacher alleges discrimination by principal and upper-caste teachers"— these are glimpses into some of the newspaper headlines reported in the last four months of the year 2022 (Citizens for Justice and Peace Team 2023). And these headlines, alongside an official reporting of overall increase in the rate of violence on the Dalits, were clamouring for attention amidst a blitzkrieg of slogans such as 'Digital India', *Atmanirbhar Bharat* (Self-Reliant India), *Azadi Ka Amrit Mahotsav* i.e. India which is celebrating, commemorating 75 years of independence and the glorious history of its people, culture and achievements. How does one attempt to understand these two rather different worlds, or, are they part of the same, and if yes, how do they relate to one another? This paper is an enquiry into what it is about contemporary India that has witnessed an unprecedented rise in the rate of violence on the Dalits.

By questioning the presumption that with the passage of time caste system (implied is the violence embedded within it too) will lose its significance, or, that caste continues to exist, this paper through the study of caste violence in contemporary neo liberal India argues that at least with regards to the Dalits, caste divide has intensified. It comprises of three sections. The introductory section overviews the historical evolution of capitalist and caste relations in modern India, their systemic relations with violence, the passing of specific laws to address the needs of those worst affected, and the possible ways of

understanding and explaining these interconnections. In the second section, it examines the data on violence on the Dalits by contextualising it in the new economic reforms that were implemented in India around the 1990s. As these violent acts themselves are overt responses to the normalised form of structural violence, examining the latter becomes an imperative. The third section critically reflects on the nature of physical violence on the Dalits. It examines how on the one hand, the violence could be explicit and brutal, and on the other, symbolic. The symbolic dimension of violence is presented through the study of the 103rd Constitutional Amendment upheld by the Supreme Court of India which validated 10 percent reservation in government jobs and educational institutions for the Economically Weaker Sections (EWS) from the general category (presumed to be the upper castes).

Section I: Capital and Caste and Violence, and the Codification of Specific Law

Violence, inherent to the caste system is inherent to the capitalist system as well. In the capitalist system, beginning from the processes of primitive accumulation to commodity exchange, and further colonialism and imperialism, every such social relation constitutes violence (Luxemburg 1951: 446–67; Marx 1976: 741–91; Fanon 2004: 1–62). On the one hand, the direct physical violence of 'primitive accumulation' is partly transformed into the less visible systemic violence of the capitalist working day; and on the other, laws, regulations and norms contain systemic violence within them. Thus, direct external violence is rendered superfluous and is used in exceptional cases (Marx 1976: 344). In more recent engagements too, Gerstenberger (2022) for example, has gone ahead to the extent of arguing that capitalist economic rationality itself does not render external violence exceptional, but capitalism has used it extensively until and unless challenged with political resistance. Also, there is not only a strong reiteration that unfree labour and capitalism can coexist (Brass 2011), but that some of the critical innovations such as 'money' were themselves products of violence and bloodshed through extensive warfare particularly in the context of colonisation and slavery (McNally 2020: 122–138)[1].

For Dr. B. R. Ambedkar— a Dalit politician and a leading political thinker in the first half of the 20th century— the foundational laws of caste, including the *Manusmriti* (one of the early legal texts of Hinduism) encompass within it, inflicting of violence and "the will to kill" on social groups for the purposes of perpetuation of power by the dominant castes (Bhattacharjee 14 April 2018). The violator and the violated are here determined by birth, and is upheld by religion. Also, in his essays "Why Is Lawlessness Lawful?" and

"Untouchability and Lawlessness," Ambedkar reasons that at the heart of modern government is the alliance between religion and sovereignty. This he says is achieved through theological rules which do not simply institute the sovereign but through this very arrangement, the government gains legitimacy and enjoys the aura of truth and civility. These rules thus become 'custom,' and are promoted by the lawmakers themselves. Such custom is violence without the police, and domination without interference. Despite law being enforced by the state, custom is enforced by the people and hence is more effective (Kumar 2015: 117–118). Though the worst practice of the caste system is believed to be untouchability, and is critical to the caste system, it is violence which is apriori (Ambedkar 1948; Guru 2013; Muthukaruppan 2017: 66 n.1). The Dalits who are placed on the lowest rungs of the caste hierarchy and who are the untouchables, by the very fact of their positioning are the most violated and the most vulnerable to further violence.

In modern India, the interaction between the caste and the capitalist system evolved amidst the slow emergence of capitalist social relations with the laying of the foundations of individual property right by the colonial rule, and the exploitation of readily available caste based graded labour, particularly those of the lower rungs of the caste hierarchy which included the Dalits. These labour regimes were to a great extent 'unfree' forms of labour such as indentured labour, labour on plantations, slavery, prison labour, coolie system etc. where in, it was not just the colonial market logic which was coercive, but the use of excessive external violence was common as well. Alongside such violence intrinsic to evolving capitalist social relations and its excesses under British rule, was the structural and normalized caste-based violence in all spheres of social life which themselves were also influenced by such transformations. None the less, the colonial rule necessitated by its own logic, also introduced some policies of inclusion of the oppressed castes through modern education, employment in administrative and military services etc.

Independent India witnessed the recognition of the Dalits struggle, leading to special provisions such as reservations worked out from within the universalistic liberal ethos of the new constitution. However, with the transition of the economy, and with limited success of land reforms, labour of the oppressed castes continued to be exploited both by the free market and the yet non-marketised primarily caste-based forms of labour appropriation. Apart from the continuation of the inherent structural violence of caste system and capitalism, there were several cases officially recorded of explicit caste-based violence. For example, 44 untouchable agricultural labourers were burnt alive in 1968 in Kilvenmani by the land-owning castes Naidus; in 1978 Villupuram atrocity, 12 Dalits were killed and more than 100 of their houses were burnt down; hundreds of Dalit refugees were massacred by the state in the Sundarbans

in 1979; in the Karamchedu violence of 1985, six Dalits were killed and three Dalit women were raped; the violence of the Ranvir Sena in the 1990s etc. Yet, aided with some constitutional guarantees and state welfarism, and despite all kinds of hurdles and manipulations from state officials in implementation, a section of the Dalits did gain. This also aided in political activism amongst them at least in some parts of India, and in some instances also met with unprecedented success like that of the rise of the Bahujan Samaj Party (amidst other caste-based parties).

With reference to legal recourse against caste atrocities, under the Indian law there are two main types of crimes: those reported under the Indian Penal Code (IPC) and those that are registered under the Special and Local Laws (SLL). The latter comprises of (i) Protection of Civil Rights Act, 1955, and (ii) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities or the PoA) Act, 1989. Broadly, the IPC crimes include acts of overt force and aggression and are predominantly violent crimes. The SLL crimes are untouchability related offences with the intention of humiliating members of the lower castes, 'with some amount of violence' (Sharma 2015: 207; Sashittal 2022: 10).

The journey of the PoA that embarked from the Untouchability (Offences) Act, 1955, followed by the passing of the Protection of Civil Rights Act 1976 and the coming into being of the Prevention of Atrocities Act, 1989, is telling. These successive legal enactments, amidst widespread and increasing physical attacks and killings of the Dalits and the lack of an efficient legal measure, were each superseded with the hope of a more efficient version, and were the result of Dalit movements, organizations and political representatives both in India and on occasions abroad too (Joshi 1986: 123–24, 136–38; Narula 1999; Visvanathan 2001; Pinto 2001; Srinivasulu 2002; Macwan 2004; Beteille 2004; Thorat and Umakant 2004; Ravikumar 2005; Natarajan 2007; Guru 2008; Krishnan 2009; Mitta 2023).

Muthukkaruppan (2017) identifies three kinds of violence that determine and reproduce caste-based hierarchical relations— explicitly visible large-scale reactionary mass killings and mundane forms of corporeal violence inflicted on Dalits; structural violence practiced through discrimination, exclusion, unwanted inclusion, and other forms of normalized and routinised everyday degradation and humiliation; and the symbolic violence which operates through language, representation and discourses that legitimize and normalise the structure. This paper echoes such a schematic, with some qualifications though.

Muthukkaruppan (2017) rightly points out that the theoretical social science engagements on caste are primarily preoccupied with whether the king or the Brahmin are to be considered supreme in authority in the larger caste structure, and despite the recognition that in either case the untouchables are

at the bottom, there are hardly any intentions to understand how the structure subjugates a certain section of people and how one could transform those. From these observations however, he jumps to the conclusion that such questions cannot be addressed by the realm of 'objective social science' but through the 'language of politics that is subjective in its orientation' (Muthukkaruppan 2017: 55–56). The difficulties with such a position are as follows. First, though the critique that the 'subjective' is crucial to develop a useful and inclusive bottom-up analysis that can aid social transformation is well taken, the tendencies of such studies however is to probe in detail its specificities, and not as much in locating them in historically evolved conceptual categories. Second, the late 1980s and 90s is a significant period in Indian social sciences as it witnessed an academic shift in writings on caste (Jodhka 2015). Beginning from caste as unchanging tradition (Dumont, 1980), to caste as 'power' (Cohn 1987; Hardgrave 1969; Srinivas 1996; Dirks 2001), to caste as humiliation (Beteille 1990; Gorringe 2005; Jodhka 2015:12) as are pointed out by Muthukkaruppan as well, but there are further shifts too. These include, the bottom-up accounts which have offered an experiential reading of caste with the rise of Dalit mobilization and politics which have become salient since the 1990s (Deshpande 2014; Jodhka 2015, 2017).

With regards to literature on caste and violence, the bottom-up experiential representation can itself be seen as falling into three broad categories. One, studies which have statistical representation largely on matters of violence and which also have economic aspects as their orientation (Thorat and Attewell 2007; Sharma 2015; Nandan and Santosh, 2019; Pushpam and Sing 2024, n: 59). The focus here remains on economic aspects such as purchasing power capacity, inclusivity exclusivity in the market, access to public goods and social welfare, crime statistics etc. Broadly they make use of available and also generate new statistical information. But they fall short of imbricating their findings in nuanced understanding of larger political and economic shifts; two, studies which account for caste through field experience and as having a 'social science' orientation (Guru 1994; Teltumbde 2008; Rao 2009, 2024). Typically, here we see detailed explanations of the subjects and sites of violence, and on occasions they may appear as challenging dominant knowledge claims, but at a deeper level they remain wedded to the liberal ideology and thus are uncritical of the inherent coercive powers and biases of the modern state; the third kind of studies are those which consider narratives of the subjects themselves, either through stories, poems, biographies etc., (Shankar 2012; Muthukaruppan 2015: 68, 2017 n. 1). In the context of dearth of mainstream academic engagements on such themes, the subjective expressions are critical initiations, but yet, as stated above they are inclined towards particularities and in general lack in building larger analytics. Muthukaruppan is conscious of the same and clearly states

that alongside such subjective expressions structural aspects are important. However, his own contributions lean more towards nationalist resolutions of communalism and caste, and not as much in the material foundations of the same (Muthukaruppan 2017, n. 1). Also, though he recognizes that caste-based sexual violence on the Dalits particularly Dalit women is critical, it centrality is not a specifically articulated theme in his presentation. However, as to build such an encompassing analytic is a project in itself, apart from some critical considerations expressed above, this paper finds the broadly developed schematic of Muthukkaruppan useful and thus seeks to continue critical engagement with it.

Section II: Neo-Liberalism and the increased violence on the Dalits

What generally draws attention on the question of violence on Dalits, apart from the incidents that get occasionally reported in the popular media, is the data published in the Crime in India (CII) yearly reports by the National Crime Records Bureau (NCRB). In India, the 1990s is generally characterised as a landmark for the launching of neo-liberal policies through the implementation of the new economic reforms leading to the large-scale structural transformation of the economy. The NCRB's CII reported that from the 1990s until the year 2020, the cases lodged under the PoA Act has risen by a whopping 300 percent (Pankaj 2022). These acts of violence are embedded in the general conditions of the Dalits post economic reforms which themselves constitutive structural violence.

Neoliberalism— is well known to concentrate wealth in the hands of the few. In India, capital which used to be earlier the exclusive privilege of a few mercantile castes has expanded to incorporate some newer communities, particularly in southern and western parts of India (Damodaran 2008: 316). Despite the rise of the peasant/ middle castes[2] across mainland India which also reflects in their increasing control over politics, the economy, old or new continues to be primarily owned and run by the upper castes, particularly the Brahmins and the Baniyas (Thorat & Attewell 2007: 4141-42, n. 41; Aakar Patel 28 August 2009; Jaffrelot and Kumar 2009; Thorat & Newman 2010; Harriss-White 2004: 52-54, n.1; Harriss-White et al., 2014: 78-79, n.1; Kapur et al., 2014: 48-49, n.45; Prakash 2015: 56-58). The Dalits are left out (Damodaran 2008: 316). Thus, it is argued that the transition from feudalism to capitalist mode of production has achieved little, with caste-based crony capitalism appropriating from within a preexisting social structure (Mendelsohn and Vicziany 1998; Chalam 2020: 235).

The new Dalit business organizations like the Dalit Indian Chamber of Commerce and Industry (DICCI) and the Dalit Vyapar Welfare Association (DVWA) evolved ways to access start-up loans and benefitted from the state reserving four percentage of government contracts. Though DICCI's hundred or so members in Maharashtra have annual turnovers between Rs 50 lakh and Rs 4 crore, and DVWA's 500-strong constituents each do business of up to only Rs 20 lakh, they can only thus be called small scale— restricted to the production of shoes, horse-riding equipment, and leather upholstery (Damodaran 2008: 316; Chalam 2020: 231; Prakash 2015: 196-227). Big capitalists emerging from the Dalit community, seems too distant a dream.

Neoliberalism, which rests on significant presence of the market in all walks of like including the provision of basic necessities such as food, employment, health, education etc., is known to produce biased effects in the interests of the upper castes in India. The state too aids in these processes by granting all kinds of tax sops to the rich businesses, and in India as discussed above, these businesses are owned by the upper castes. Not only is India's tax-GDP ratio lowest in the world, but such an economic model favours expenditure control which leads to further cutting down expenses on necessities, alongside imposing newer restrictions on increasing the tax-GDP ratio (Chandrashekhar 2011: 43-44, n. 13). In 2019 for example, the corporate tax was reduced from 30 to 25 percent.

Economic growth after liberalisation supported fiscal decentralization that led to regional and fiscal inequalities which have worsened over time (Bagchi 2006: 4021–22, n.39). There is a structural change in the indirect taxation system too, where through the implementation of the Goods and Services Tax, the state's ability to choose tax rates for state list items is by and large withdrawn, leading to their dependency on the Union government (Dash and Kakarlapudi 2022). The fiscal federalism though called 'cooperative federalism' has aided centralization on fiscal matters and instead has led to coercive federalism (Raju 2011; Joseph and Kumari 2023) Broadly, the taxation policies including its distribution have adversely affected states spending on development and social security. The states are thus found to be diverting grants allotted for social welfare (Oates 1999). For the Dalits, whose oppression is primarily grounded in historical denial of a share in owing material resources including land or control over their own labour through the caste system and thus who are primary dependents on state social security, structural violence has deepened, and within the caste hierarchy the distance between them and the upper castes has grown further.

The ideological components of capitalism such as individualism, social Darwinism and free market take their extreme form in neoliberalism. Inequality is considered to be natural, and thus rarely is there a commitment for those left

behind or crushed by the competitive market. The Dalits, obviously are the worst hit. Anand Teltumbde (2010) for instance, questions "Is it any different than the karma theory that consoled the low caste people that they could earn merit points here (by enduring their oppression and indignity) to reach better life in the next birth (2010: 113)?" Needless to say, as communities get entrenched in economic space and capital accumulates and reproduces on an expanding scale, the atomistic calculations of individual capitalists tend to override the ideals of collective enterprise (Damodaran 2008: 316). Thus, that which signifies Dalit assertion through the rise of their own political leadership and party as well, including the DICCI, DVWA has inherent tendencies to weaken the collective 'Dalit'. Also, with the marketisation of politics with big money entering in and itself becoming like any other business, the Dalits being the vulnerable group, their interests are affected most adversely. As Teltumde puts it, "Most factions of dalit parties having been the adjuncts of the ruling class parties or the seemingly autonomous dalit party having itself donned the robes of ruling classes; there is no effective political voice for Dalits (Teltumbde 2000: 126)." The Dalit political representatives are vulnerable, but in some cases have themselves given in to political opportunism (Guru 2011: n.1; Teltumbde 2020; Nigam 2001: n.3).

The share of the agriculture sector despite the decline from around 59 per cent in 1950–1951 to 16 per cent, is still a substantial contributor to the GDP. The proportion of agriculture labourers amongst the Dalits has however increased from around 50 per cent in 1951, to 71 per cent in 2011. Over one third i.e. 34.09 percent of the Dalit families work as landless agricultural labourers. The inverse relationship between agriculture sector contributions to GDP and the proportion of its increased dependence on Dalits labour performing the role of reserve army, has reproduced social relations of discrimination, untouchability and displacement even in modern caste-based capitalist production system (Deshpande et al 2006; Deshpande 2011; Bhatnagar 2019; Borooah et al 2019; Chalam 2020: 236). Also, the rural devastation in the context of sharp decline in investment into non-farm sector has reduced the non-farm jobs and created pressure on farm jobs, thereby lowering the farm wages. The rise in food prices; abolition of the safety net in form of the Public Distribution System; lowering of the expenditure on social sector and thus pushing them to seek these services in market, all together have contributed to further economic weakening of the Dalits (Teltumbde 2000: 126).

The power of dominant castes and the notions of caste purity and their networks, deprive and exclude Dalits in rural and semiurban spaces and in several cases have even rendered universal welfare schemes inaccessible to them. The Human Rights Watch's (2014) report on the exclusion of Dalits, tribes, and low-caste Muslims from school education is thus titled, "They Say

We Are Dirty" (Waghmore and Contractor 2013). In the urban areas too, the increasing closure of the small industries which largely employed the Dalits has affected them disproportionately. A preliminary investigation into the relative economic status of the SCs based on three rounds of NFHS data and four rounds of NSS spanning over two decades has indicated that the SCs continue to belong to the lowest rung of the economic ladder after over 60 years of Independence, calling into question any notion of substantial upward caste mobility (Deshpande 2011). The differential impact of the market on the Dalits is clear. Apart from the drudgery of the working day including those of overt instances of violence at the workplace, and from non-participation generated through routinized cycles of unemployment typical to the capitalist market regime, selective exclusion of historically disadvantaged Dalits continues. Also, the conditions in the market have pushed these populations further on to margins where the vestiges of erstwhile forms of control survive and are inflicted in renewed terms of depressed opportunities and wages.

Note, this is not to say that the effects of the transition into neoliberal regime are the same everywhere. As the processes and pathways of neoliberalisation have a highly 'variegated character' (Brenner et al. 2010: n. 10), so is the case in India vis-à-vis the Dalits. For example, with regards to rural transformations, one may find contrasting experiences. In a study conducted in two villages of Tamil Nadu around the Tiruppur industry, one village reported that Dalits gained access to the urban industry, while in the other they did not, primarily due to persistent relations of debt bondage and unfree labour. Thus, it can also be argued that the processes of industrial neoliberalisation have not led to linear transformations in caste relations and social inequalities (Carswell and De Neeve 2013; Vijayabaskar and Kalaiyarasan 2014). Broadly however, despite the character of change being variegated, the resultant trends into casualization, contractualization, feminization of labour, have adversely affected the Dalits the most (Teltumbde 2010, 2020).

Though the logic of the labour market operates in the universalistic language of open to all, several studies have pointed out how such labour market entry is restricted alongside the other forms of occupation related discriminatory indicators such as wage gap (Mendelsohn and Vicziany 1998; Madheswaran and Attewell 2007). Despite similar qualifications of the applicants even in the private sector where affirmative action is not applicable, the Dalits are unduly rejected (Thorat and Attewell 2007; Deshpande and Newman 2007). The employer attitude too is steeped in prejudice that merit is distributed along lines of caste, religious, and gender divisions; and thus affirmative action is seen as interfering in labour markets that are presumed to be meritocratic and efficient (Jodhka and Newman 2007). The result is the continuing dominance of upper castes in the prestigious, better paying, upper-rung occupations. (Deshpande

2011). Apart from such structural inhibitions, overt acts of violence as cited have become more frequent in the spaces of work and education.

Privatization of education and jobs has been one of the prominent features of India post new economic reforms. Affirmative action directed towards SCs, Scheduled Tribes (STs)[3], and later the Other Backward Classes (OBCs)[4], which is confined to government jobs and educational institutions, has correspondingly become less effective (Deshpande 2011; Deshpande and Zacharias 2013). Since jobs under the state have been the most fundamental tool of Dalits empowerment, the Dalit middle class too is shrinking (Prasad 2008: 24–25). In addition, there is evidence of increasing casualization of jobs. In the first half of the last decade, the unemployment rate for SCs has increased sharply. Conversely, it is not unreasonable to imagine that beneficiaries of the process of liberalization would predominantly be upper-castes not only because of the historical advantages they have enjoyed, but also because they disproportionately possess the skills necessary for jobs in the new economy. For the new kinds of jobs that liberalization and globalization have generated (for instance, those in business processing outsourcing industries, or the outsourced jobs), fluency in English and computer literacy are critical requirements, in which Dalits even those living in urban areas, are seriously disadvantaged. Thus, the Dalits amidst economic disempowerment which is more direct and pronounced (Teltumbde 2010) are not only battling historical prejudices, but are dealing with contemporary, modern forms of discrimination (Deshpande 2011). All these are constitutive of renewed form of structural violence.

With regards to physical acts of violence amidst such additional structural constraints, in a rather rare study which has used official district level data for the period 2001–2010 to investigate whether changes in relative material standards of living between the SCs (and STs) and the upper castes (as measured by the ratio of consumption expenditures of the SCs to that of the upper castes) are associated with changes in the incidence of IPC crimes against the SCs, the findings are indeed striking. It is found that increase in the expenditure ratio was positively correlated to the incidence of such crimes (Sharma 2015, n. 43: 211–212). In the more recent years too, for the year 2023, this rate has seen a surge of 13.1% compared with the previous year (RightsWatch 2022). From 2021 itself, the rise was to the rate of 14%. The previous decade 2006-16 too had witnessed 25% rise in the rate of increase of crimes against the Dalits (Team Ambedkarite Today 2019).

Police and public order come under the state subject and are a part of the 7th Schedule of the Constitution. In the subsequent years of the implementation of the new economic reforms especially with the Bharatiya Janata Party (BJP) coming to power in several states, there is an increase of violence against

the Dalits in those states (Singh 2023; Pushpam and Singh 2024: n. 59). For example, according to NCRB data, cases of crimes against Dalits grew from 33,719 in 2011, to 50,291 in 2020. But 74 percent of these took place under the Hindu nationalist BJP's tenure. Though there was an increase under the Congress government too, the numbers have almost doubled under the BJP's rule (Pankaj 2022). At the state level, the NCRB data from 2014–16 reveals that the BJP ruled states, either by itself or in alliance recorded highest crime rates against the Scheduled Castes (India Today 30 November 2017). In the following years too, similar trends continued. Of the total 1.9 lakh cases of crime against Dalits for the years 2018–2021, Rajasthan and Madhya Pradesh were led by Uttar Pradesh which accounted for more than 25 percent (Singh 2023; Pushpam and Singh 2024: n. 59).

These increased cases of violence particularly under BJP's rule and its state governments is a reflection of how though the BJP on the one hand has reinvented incorporation of the Dalits for electoral politics by making inroads into the non-dominant castes within the Dalits, but on the larger map is hierarchically distancing in favour of the privileged castes. Dalits despite having suffered relative disempowerment during the globalization period, the perception of others towards the Dalits has been otherwise, which in turn has added to their further vulnerability to violence (Teltumbde 2010: 126–127). The rise of the middle castes too has not outdone the ideology of hierarchy, and thus Dalit's continue to face increasing attacks from them too (Waghmore 2017). For Anupama Rao (2009), "the immense irony of Hindu nationalism is that it brought Dalit and Backward Caste politics to the forefront through an aggressive, inclusive Hindu nationalist casteism that accelerated lower-caste politicization while giving some a place as foot soldiers in anti-Muslim violence (2009: 37)." What here appears as an irony is a well thought of scheme to simultaneously appear politically inclusive but at the same time socio-economically exclude, typical to the neo liberal statecraft.

To summarise, the rise in the cases of physical violence on the Dalits are an overt expression, over and above the renewed structural violence in neoliberal India. It is the increased economic power of the privileged castes than the betterment in the conditions of the Dalits that accounts for it. Also, though there was a rise in the Congress government post new economic reforms, it is the rise of the BJP and its state governments that have reported highest incidents of violence, which clearly reveal its ideological underpinnings which is status quoist and claims of inclusion, are at best representational.

Section III: Neoliberalism and the nature of violence on the Dalits

The previous section established a positive relation between increase in the ratio of consumption expenditure and the cases of violence against the SCs (and STs) (Sharma 2015). On the nature of violence, it is pointed out that the violent crimes rather than the 'non-violent' ones which include crime under the SLL that are on a rise. Further and shocking is the finding that this increased infliction of violence is on account of changes in the upper castes' economic well-being, rather than relative changes in the economic position of the SCs (and STs). This is associated with the upper castes' threat perception in the context of shifts in relative positions between the two groups (Sharma 2025: 216 and 220; Chakraborty et al., 2006; Borooah et al., 2019). The increased physical infliction of violence on the Dalits, apart from simply being the perception of threat, is a reactionary response to prevailing psyche steeped in prejudice and caste arrogance and are expressions of retention of privileged positions within the caste order, in spite of long drawn resistance and constitutional efforts against the same.

In their study of Bhumihars (landowning caste) and caste violence in Bihar, Nandan and Santosh (2019) argue that in the context of the crumbling down of traditional mode of dominance through upper-caste identity and feudal agrarian structure, and also with the increased representation of OBCs and other lower castes, the goalpost of the Bhumihars has shifted. It has now become that of establishing themselves not as perpetrators of violence but as guardians of Hindutva[5] which also protects their caste identity. They thus resort to 'symbolic' violence towards the lower castes, while on the 'enemies' of Hindu right-wing ideology, overt violence is inflicted (Nandan and Santosh 2019: 442). Note, in Sharma's study too, though the emphasis is on violent crimes, it is shown that the non-body property related crimes are also on a rise (Sharma 2015: 220).

Further questions can be asked on interpretations of the above-mentioned studies. Can the quantitative reduction of incidents of bodily violence itself account for decreased brutality against the Dalits? Numerous incidents of violence such as Tsundur massacre (1991); Bara massacre (1992); Bathani Tola massacre (1996); Melavalavu violence (1997); Laxmanpur Bathe massacre (1997); Ramabai Killings(1997); Bhungar Khera incident (1999); Kambalapalli violence (2000); Khairlanji massacre (2006); gangrape of Sumanbalai (2009); Mirchpur killings (2010); Dharmapuri violence (2012); Marakkanam violence (2013); Dangawas violence (2015); Ariyalur gangrape (2016); Kanchanatham temple violence (2018); Hathras gangrape and murder (2020) are amongst the very many clear cases of explicit brutality. These challenge the underlying liberal presumption prevalent across social sciences that with progression in

time, democratization etc, societies become more civil. There is evidence to say that with such progression, cruelty may not just continue but also sharpen (Rushe and Kirchheimer 2003).

The other important question is whether it is possible to decontextualise SLL crimes from the larger socio-economic milieu? The NCRB report which states that between 1990-2020 there is a 300% increase in filing of complaints sunder the PoA, also notes that this increased reportage is due to the Act itself which has empowered the Dalits to assert their rights (Pankaj 2022). Though there may be some reality in the fact that the codification of the law in which there are stringent punishments for caste crimes may have increased the reportage, it is yet unconvincing that that alone could be the reason as for such a long period, of more than three decades the number of cases filed have only increased. Moreover, with the inauguration of the new economic reforms which coincides with the implementation of the PoA Act, there is an increasing disempowerment of the Dalits.

Though there is increased reporting of crime against the Dalits (and STs), the same is not true about the disposal of cases by the police and the courts. Rather, the number of cases pending police investigation and also in the courts for crime against the Dalits have doubled between 2006 and 2016. The rate of conviction too is below 30% and it has further fallen. In the year 2016 it fell by 2 percentage points to 26% from 28% a decade ago. The entire process beginning from registration of complaints in the relevant sections which itself is a struggle and are delayed most of the times including the carrying up off further processes of investigation lead to lower conviction rates. Further, the police themselves do not just carry forward caste prejudices and see the Dalits (including the STs) as inherently criminal, but they are also in collusion with the upper castes, and on several occasions are found to be abusing power by engaging in uncalled for raids, custodial excesses and other mechanisms such as delays and harassment. To cite an example of the magnitude of the problem, in the year 2000 alone, 68,160 complaints were filed against the police for activities ranging from murder, torture, and collusion in acts of atrocity, to refusal to file a complaint. However, sixty two percent of the cases were dismissed as unsubstantiated and only 26 police officers were convicted in court (Team Ambedkarite Today 2019).

Modern law, bears violence for its own birth and also continuity through its institutions such as the military and the police (Benjamin 1996). The state administration and particularly the police which are vested with the responsibility of law enforcement, are found to be beating protesters and opening fire on crowds at such rallies and have arrested their leaders. In the more recent Bhima Koregaon protests, 16 professionals which include activists, academics and lawyers were jailed without implicating evidence (Ashraf 2024). Ambedkar,

as discussed above, had prophesied such an alliance between the modern state/ law and custom/religion (Kumar 2015: 117–118). It is this repressive character of the state, which, given the social position of the Dalits affects them the most, but is rarely attended to by scholarship and whenever cited, is as if it was simply a case of police brutality or inefficiency of the state institutions. Excerpts from Rao's (2009) account reflect the same, "Police beat protesters and opened fire on crowds at these rallies and killed at least one person in Amravati. Dalit politicians were severely criticized for failing to intervene and seek justice for Dalit victims. What came to light were police cover-up, bureaucratic mishandling, and utter disregard for justice for the victims. Ultimately, all the eleven accused received bail on December 30, 2006, and three of them were acquitted on September 15, 2008. None were prosecuted under the POA Act (2009: 37–38; See also, Jaoul 2008)." Thus on the one hand, the social rubric alongside the modern state edifice which includes, the modern law, the police, village councils, and government officials and the weak socio-economic bargaining power of the Dalits including for payment of bribes works against their interests (Galanter 1989; Maywell 2003; Rao 2009); on the other, though the liberal/neoliberal state through its constitutional guarantees can empower the Dalits, the same state— its intrinsic class and coercive character has inherent tendencies to harm their interests as well.

Alongside the cases of explicit brutality against the Dalits which continue unabated with individual and institutional impunity in favour of the upper castes, in yet another realm— the symbolic, there too violence has intensified. The bill for the ten percent reservation of the EWS was introduced in the parliament, passed and implemented, and further upheld by the Supreme Court at an unusually hurried pace. The otherwise generally followed procedural requirements while considering similar such demands by the parliament such as setting up a parliamentary committee, conducting official survey to produce authentic evidence for the actual level of economic backwardness prevalent were simply not adhered to.

In fact, there exists contradictory evidence which can be ascertained both through the National Institutional Ranking Framework (NIRF) 2019 and 2022 and the Labour Force Survey data 2019 which show that the percentage of the EWS students was well above ten percent in higher education institutions both before and after the implementation of EWS quota. On the contrary, the representation of Socially Backward Groups students remains lower than the quota earmarked by the reservation policy (Jose, Nikhil and Reddy 2023: 123, n.1). Moreover, it was increasing privatisation which was found to be accounting for the declining percentage of the EWS in the higher education institutions which as stated is much more than ten percent. Also, as the EWS considered both the systemic and intergenerational impacts of centuries of

humiliation and exclusion of the marginalised social groups and the outcome of transient economic hardships faced by members of the privileged social groups similarly, it thereby accorded equal legal standing to both kinds of social groups (Deshpande 2011; Jose, Nikhil and Reddy 2023: 123 n.1; Verma 2023: n.1; Wankhede 2023: n.8).

Three rounds of National Family and Health Survey data and four rounds of National Sample Survey spanning over two decades indicate that there is strong evidence of persistence of inter-caste disparity within the more general problem of overall inequality or deprivation (Deshpande 2011). However, as no caste in itself is a homogenous group, the increasing presence of the market can produce adverse results on sections of people from within different castes. Ironically, though large sections from within the better off castes gain from the new economic processes and the primacy of the market, to a large extent caste consciousness itself inhibits intra caste group reflection on those who may not have gained. Also, neo liberalism actively plays a role in repressing such possibilities by promoting heightened nationalist and localist sentiments such as those of castes, communities, race, ethnicity, linguistic groups. Such trends have also accentuated parochial forms of resistance rooted in an imagined past that never was (Teltumbde 2010). There are increasing upper castes group associations which have emerged to retain their privileges. These conditions have created further grounds, on the one hand, for questionable perceptions amongst the upper castes of their own 'declining status' and, on the other, inflated rise in the status of the underprivileged. It is evident that such anxieties prevailed upon the government while introducing reservations for the EWS.

The immediate ecosystem of the EWS is critical too. The key components of this imagined world are narratives such as that of the meritorious upper castes who are now poor and jobless, some of them even applying for posts of menial jobs such as peons, sweepers etc. Similarly, the new language of the 'beneficiaries', the 'poor', cutting across caste and other marginalized social categories; the refusal to document caste in the census; and, the unabashed protection of those inflicting violence on the Dalits by the Indian state are all constituents of that world. Thus, given the neo-liberal thrust and the resultant socio-economic and political milieu, caste as a category, on the one hand, is substantively constricted vis-à-vis its empowering potential through state policies (of the historically marginalized) and constitutional values and guarantees. On the other, caste hierarchy is valorised through the EWS. Taken together, both these aspects present two ends of the same spectrum i.e. weaving the neoliberal imperative onto an erstwhile liberal constitutional conception of social justice, to reproduce caste hierarchy anew. In the garb of benefitting those upper castes who have lagged behind, the EWS is the infliction of symbolic violence on the non-upper castes in general, and the SCs and STs in particular.

To summarise, the instances of physical violence in contemporary India show that not only their rate of infliction has increased but also that the nature of violence inflicted is shockingly crude. Further, it has shown the limitations in existing literature on examining the modern state and law only from its ideological emphasis on rights and liberties. Intrinsically, the modern state which holds the monopoly to inflict violence and despite its ideological emphasis on universalism, the neo-liberal state in India through its active facilitation of further marginalization of the Dalits and the other lower castes, has worked in the overall interests of the upper castes. The coercive apparatus of the India state too has brazenly inflicted violence on these deprived sections. Also, the EWS cannot be conceived as part of welfarist strategy post neoliberalism but as a reactionary backlash against the SCs and STs (and some OBCs too); and has worked against their hard achieved, bare minimal upward mobility. These inclinations of the neo-liberal state work to further resurrect the hierarchical supremacy of the upper castes, using constitutional means as well; whereas, with regards to the Dalits, there is a further decline.

Conclusion

This article has made an attempt to locate the rise in violence against the Dalits in the political economy shift towards neoliberalism and the ensuing transformation in the nature of caste. The Indian state despite its ideological anchoring in the language of liberal universalism and social justice, through its institutions including those which are coercive has grafted neo liberal values onto such conventional norms, and thus has openly worked in the interests of the powerful castes at the cost of the Dalits. Unlike the general perception as either caste is weakening or it continues to persist, this article by critically examining the character of its transformation at least with regards to some caste relations particularly those concerning the Dalits, has shown that caste has rebounded, and marginalization and violence based on the same has deepened. We may also note that, this is not simply to say that the same age-old practices of untouchability continue unchanged or have resurfaced, but that the oppression of the Dalits has also taken on a new avatar and the increase in violence and brutality is yet another manifestation of the same.

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1 There exists another body of literature on violence which is engaging. Walter Benjamin more than a century ago had pointed out that the use of violence by the sovereign depends on the possibility of its own exception i.e. wherein both, 'lawmaking' and 'law-preserving violence' are mutually dependent on one another, and it is not just a character inherent to state law but is also prevalent in all aspects of social life, particularly the sphere of economic production and the contractual 'freedom' of the market (Benjamin 1996: 250). Benjamin's omnipresence of 'police power' in a way is carried forward by Foucault's (1975; 2003) 'capillaries of power' and 'biopolitics' and there are further developments of these ideas in Agamben (1998; 1999; 2005) and Mbembe (2019). Hannah Arendt's (1970) engagements with the concepts of power, coercion, violence; her positioning of power as against violence rather than non-violence, by a rereading into classical political literature is illuminating too. This paper, as its focus is on the specificities of neoliberalism and violence (on the Dalits), is more informed by the former.

2 Middle castes are caste such as Jats, Gujjar, Yadav, Bishnoi, Bania etc., who own large proportions of land. These caste groups have also a larger say in politics too and thus also gain more opportunities to government contracts, employment and funding.

3 The Constitution of India created the Scheduled Tribes category in accordance with the provisions of Article 342 to recognize tribes or tribal communities that were suffering from social, educational, and economic backwardness. They comprise of 8.6 percent of the total population of India.

4 The Other Backward Class (OBC) is a collective term used by the Government of India to classify communities that are "educationally or socially backward". They comprise of '41 percent' of the country's population. In the Indian Constitution, the OBCs are described as socially and educationally backward classes (SEBC), and the Government of India is enjoined to ensure their social and educational development — for example, the OBCs are entitled to 27% reservations in the public sector employment and higher education.

5 For a discussion on the term 'Hindutva' see the article 'Idea of India' by Mohinder Singh in this same volume.