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B O O K R E V I E W

Caste and the Law

Anupama Kumar*

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Mitta, Manoj (2023), *Caste Pride: Battles for Equality in Hindu India*, Westland Publications Private Limited, Chennai, 596 pages.

Caste Pride: Battles for Equality in Hindu India provides a compelling argument that caste has not only always been a part of Hindu society, but has also actively been *enforced* by the legal system in the subcontinent. Incidents such as the massacres at Keelavenmani and Khairlanji, in which Dalits were brutally killed by members of oppressor castes, take place because the caste system is woven into the fabric of our social institutions.

Manoj Mitta makes this argument by tracing the history of how caste has featured in legislation and in judicial decisions, first under colonial rule and then after Indian independence. He begins with the 1816 Madras Regulation XI, which permitted village heads in the state of Madras to impose two different categories of penalties, based on the caste of the perpetrator, for petty offences. The law was only repealed in 1919. Mitta then works through the prohibition on oppressed caste women from covering their breasts in Travancore and the struggle to prohibit sati in the North and East of the subcontinent. He discusses the Caste Disabilities Removal Act of 1850, which permitted Hindus the right to inherit ancestral property even if they converted to Islam or Christianity.

Mitta goes on to discuss how the legal system maintains caste distinctions within the varna system. He begins with the description of how Brahmans controlled the classification of individuals into different varnas – the Maratha ruler Shivaji was conferred with the status of a Kshatriya by Brahmans, who had previously classified his clan as Shudras. This segment of the book explores the tensions involved in

* PhD Student in Sociology, University of Wisconsin-Madison, anupamakumar@protonmail.com.

recognising marriages solemnised without Brahman priests and providing legal validity to inter-caste marriages. The third and fourth parts of the book look at legal reforms to expand access to persons from oppressed castes. Mitta covers movements by oppressed caste groups to gain access to public streets and wells and the legislative debates around the criminalisation of untouchability in India. This part also discusses the movement for temple entry and the eventual passage of Article 17 in the Indian Constitution.

Finally, Mitta discusses violence against Dalits and the judicial response to it. There have been few convictions for organised violence. Mitta takes up individual instances of violence, such as Keelavenmani in Tamil Nadu and Khairlanji in Maharashtra to argue that the judiciary has ignored the caste aspect of these instances of violence. This is the logical conclusion of the book – the Indian legal system has not seriously dealt with the issue of caste thus far. Violence against Dalits takes place because Indian society and institutions allow it to take place.

Mitta's work highlights how caste can be bound up in custom and religion, and therefore, how religion can be used to keep caste distinctions in place. For instance, Madhava Row, an administrator from Travancore who would later become the founding president of a Congress forum for social reform, opposed Nadar women's right to wear an upper cloth because it would violate a "custom." These customs could be traced back beyond antiquity to mythic times – one argument made before the Privy Council in the nineteenth century was that Kshatriyas no longer exist in the Kali Yuga as they had all been wiped out by the sage Parasurama. We also see that many prominent figures in India's freedom struggle were devout Hindus whose religious beliefs prevented them from seriously challenging the caste system. For instance, Mitta tells us that Gandhi not only supported the varna system, but only agreed to support Ambedkar's campaign for temple entry after the Poona Pact of 1932 (Chapter 14, p. 30).

Caste Pride raises some very important questions for scholars of caste in India. For instance, Mitta tells us that the laws of the three *savarna* groups – Brahman, Kshatriya, and Vaishya – became recognised as the law applicable to all Hindus, even though these groups form a numerical minority. Part of this could be because the nineteenth century precedents of the Privy Council that cemented the *chaturvarna* system in Indian law – specifically, questions of marriage and inheritance – arose out of suits by wealthy individuals. To what extent do we owe our modern day understanding of caste to the way that personal laws were shaped in colonial India? Likewise, what role does caste have in shaping gender relations in India? In some instances, such as the prohibition on Nadar women in Travancore wearing shoulder cloths, or the backlash against Jotiba and Savitribai Phule's school, caste norms targeted women from the oppressed castes. However, customs such as sati hurt women from oppressor castes the most.

The most pressing question, however, is how to disentangle caste from religious freedom. In his discussion of temple entry and the formal criminalisation of untouchability, Mitta points out that Hindus claimed that the caste system was an essential aspect of *religion*, and as a result, any attack on the caste system was also an attack on religious freedom. In 1897, for example, a group of persons of the Nadar caste were charged with desecrating a temple in Kamudi simply by entering it. At various points in the book, we see that conversion out of Hinduism did not necessarily bring individuals outside the caste system. Christian Nadar women in Travancore may have been permitted to cover their breasts, but they still did not have permission to wear the shoulder cloth of upper caste women.

Mitta's book is meticulously researched. In just over 700 pages, the author manages to cover an extraordinary amount of detail and cover a period of more than 200 years. Mitta also tells us about various heroes in the movement for caste equality in India, figures such as Maneckji Dadabhoy, M. C. Rajah, and R. Velayudhan, who have often been left out of the broader narrative of Indian history. My only critique is that the author assumes a level of prior knowledge that all readers may not have. Several individuals and caste groups are introduced with little context or background, and I found myself flipping back and forth to make sense of individual narratives. I was also curious as to why Mitta chose to study the history of caste as varna, rather than situate his account in a broader sociological understanding of caste in Indian society. A little more background into the positions of individual caste groups, or the more general discussions around caste and personal laws in India, would have been very helpful.

That said, *Caste Pride* is a tremendously important and timely book. Violence against Dalits in today's India is not a recent phenomenon but one that owes its existence to a society that has institutionalised caste hierarchies over a long historical period. As Mitta concludes,

The practice of caste is constantly mutating as old crudities give way to more sophisticated forms of prejudice and discrimination . . . This book, tracing the legal history of varna is, unwittingly, very much about the current affairs of Hindus.

If we must confront caste violence, we must begin by confronting our social institutions.