

# The Violation of Law in Sivakami Palanimuthu's *The Grip of Change*

**DHIRREN AMARESHA KATHIRASAN**

*Faculty of Law, Universiti Malaya*

**MANIMANGAI MANI**

*Universiti Putra Malaysia*

## Abstract

*The nation of India is known to possess an old practice in regards to separation of people in terms of caste. It has been something that has long been embodied within society and the discrimination does no justice to the values of humanity. One sixth of India's population lives in a precarious condition shunned by other societies due to their status as untouchables or Dalits. This paper will depict as to how far discrimination can go when it comes to the caste system via the novel *The Grip of Change* which embodies cruelty and discriminatory treatment towards another living being solely on the basis of caste. This novel will take us through the oppressions the Dalits face in terms of cruelty and abuse not just on the basis of gender but specifically caste, along with how their caste is weaponised or functions as a justification to not render empathy regardless of the person's age.*

*Note that this cruel practice has been legally banned by law based on the Indian constitution such as Article 14, 15 and importantly 17 and the specific law of the Schedule Caste/ Schedule Tribes (Prevention of Atrocities Act), 1989 to avoid further abuse. However, the question this paper intends to highlight would be whether the law truly functioned to cure the sickness of the caste system that has long been embodied within the society or if it merely ended it on a large perspective but made it harder to identify or locate atrocities which are still very much alive and being practiced due to the caste system. Hence, it will show how literature of such cruelty to Dalits can still be a haunting figure and reminder that the law will need to buck up.*

*What will be analysed would be how literature reflects the reality of the nation in regards to the caste system pre-creation of non-discriminatory laws and post of it and as to what we need to extract from these academic pieces to bring real change within society for the betterment of mankind and the future of the coming generation in a world where everyone should be treated based on merit and not on who they are born as.*

**Keywords:** *Dalit women, society, caste system, oppression, discrimination, equality, law*

## Introduction

The world is very unique in the context of diversity. It is something that people have tend to attempt to normalise in the current era whereby differences of people within a society ought not to be a barrier to their success or the way they are interacted with. Hence why we reprimand any form of discrimination. Regardless the issues of differences in hierarchy still stand today in the context of various factors such as race, religion and even customs at times. However, some types of discrimination have been to arise from what we would label as caste which is a system quite well known and unique in India. It is something that has been seen to be normalised within society for a while that there eventually came a need for alteration as to how the mindset of the society worked in terms of the caste system for the sake of ending discrimination which is something no longer tolerated in the modern era.

Dalits are a group of people who are viewed in the lowest rung within the Indian society and have long been

described as untouchables in India. Dalits now can be found in various beliefs which they profess from Hinduism, Sikhism, Buddhism, Christianity and even Islam. As of now their population in the nation of India consist of 200 million or 16% of the nation's population and they are usually labelled as Harijans which is translated to "Children of God".

This group that we discuss can be said to have been portrayed in the worst ways possible due to the oppression they have been subjected to via society simply on the basis of their caste. Hence it enables us to put caste discrimination on an equal parr to other social injustices such as racism, gender discrimination and even extremism.

The clearest way to understand the atrocities which lead to a need for change with assistance of the law towards these castes would be best seen in the form of literature due to the fact there has been raw depiction of just how far caste discrimination. A book that truly spells out this form of cruel practice can be seen in the novel *The Grip of Change* which

displays the inhuman treatment of Dalits via abuse, torment, and reduction of self-respect.

This paper would will illustrate as to the harshness of the caste system and its atrocities via literature sources in order to give a clear picture as to why there was a need for legal development in this matter. Then, the analysis will be followed by legal steps taken to battle the discrimination that arises due to the caste system and the critical analysis would be whether there are anymore forms of betterments that can be done to try and overcome the issue which is very much alive today and the reality of the law's effectiveness in this matter.

### **Violation of Law in Sivakami Palanimuthu's *The Grip of Change***

#### **Abuse and Cruelty due to Lower Stand in Society**

A common practice towards Dalits would be how they end up on the receiving end of abuse. A specific depiction would be in the said novel where this unnamed female character who spoke to Kathamuthu had experienced due to an accusation of being a concubine to a higher cast. This led to a violent beating which was closely near death. It was mentioned in the book,

"They pulled my hair and dragged me out to the street. They hit me and flogged me with a stick stout as a hand. They nearly killed me. I begged for mercy, but they wouldn't stop. They abused me and threatened to kill me if I stayed in that village again.

The caste system in this book does not only blind people in terms of the gender of the person but also the age. Here in the book, it shows how children are not viewed decently and treated as low as animals due to their cast. It states

"Kamalam's casteism had exceeded all limits. A twelve year old boy from the cheri worked as a bond labourer in her house. His task was to attend cattle. As payment he was given one hundred kilograms of paddy per year. Waste and spoiled food was normally dumped on him. The boy ate whatever he was given down to the last grain.

#### **Inferiority Depiction**

One fine example would be the female character named Thangam who spoke to Kathamuthu about the atrocities that happened to her. This unnamed character embodies all the forms of ill-treatment a lower caste would have endured back then and may still be facing today. In this story the crux of the matter which can be linked with the legal part directly from literature is the feeling of dignity which people

overlook from Dalits or any other lower scheduled caste which leads to the lack of empathy almost as if they cannot feel shame and pain in situations a rational being would. This is due to the fact the system is so used to hurling insults that it may not feel wrong.

Here the character named Thangam was accused of being the concubine of a higher caste man named Paranjothi leading her to be beaten near death. In her expression of letting her story known and was given nothing but doubt in all that she narrated.

'Ayya, you are all gods to me. How can I hide the truth from you? Paranjothi Udayar has had me... true' she said in her expression a mixture of fear and shame.

Another example from this novel would be as to how the caste of a person would be raised not just by society empowering it to become something to be shameful about but also on how it is weaponised and misused to downgrade a person hence leading to the inferiority complex to be inserted within a person. It is the very reason why many attempt to hide their identity because the pressure and cruelty of society's view towards them is harsh.

"People already gossiped about her affair with a lower caste man. And he yelled in front of her in front of everyone as though she were his wife. She blurted out "you've proved your caste haven't you". Elangovan felt as though someone had knocked him out. He took great pain to hide his caste identity".

### **Literature as the Mirror of the Truth of what Society is Doing**

This piece of work by P Sivakami cannot be said to be fiction but a strong voice as to the reality of the situation in India where Dalits and anyone seen as a lower caste is treated pathetically. Real situations can be seen in situations such as the year 2004 where Dalits were forced to remove those who perished in the Tsunami without any compensation or support. During the Spanish flu pandemic in 1918, many of those who lived in the slum perished because caste came in as a deciding factor on who would receive medication. The harsh reality is that Dalits are also forced into situations or occupations which are deemed dishonorable from manual scavenging to working at brick kilns when they are essential workforce for the nation.

### **The Presence of Law as Remedy to Caste Discrimination**

Thus this story was not just one that played a vital role to reach beyond the nation to make people understand the

content of how cruel the caste system is if they have not heard of it from real events but would have become a form of push for people to find out more back then prior to information becoming easily spread with technology. The next aspect based on the novel would be where the legal field comes in to aid in this long practice in order to ensure caste discrimination is not continued.

Hence the 2 aspects of where this character was abused is where the law can be seen to have developed in order to ensure that a person does not get subjected to such abuse or discrimination. In terms of discrimination on a general context is protected from the perspective of the constitutional law. This is something most nations practice today in different settings such as for the sake of fighting racism, extremism and even gender discrimination. For instance, would be Malaysian law which has constitutional protection offered on the basis of equal protection before the law followed by a strong elaboration that no discrimination ought to happen on the basis of race, religion and gender.

In India, it is similar, but it involves the mentioning of casts as well. With reference to the constitution of India, it is mentioned that every person within the territory of India is entitled to protection before the law. It is then followed by Article 15 of the constitution which mentions that no person should be discriminated on the basis of race, religion, gender and caste. More specific would be Article 17 which states that untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.

Another law would be the Scheduled Castes and Tribes Act which was made for the specific purpose to outlaw and combat caste discrimination that was rampant prior to the said law. One look at the scheduled caste and tribes act should make a person realise how much atrocities would have transpired, or people of an inferior caste would have been subjected to base on specification of the said law as to what people can or cannot do. A fine example would be how it is prohibited for tonsuring of a person's head, removing his moustache, or painting his face. For the law to go as specific as that to tell society what they cannot do clearly shows that some practices have transpired to an extent expressed specifications were needed to halt it.

The law also gives advantages towards Dalits and other scheduled tribes. An analogy would be to ask people to look out the window whilst standing on the same floor. In such situation it would be equal, but height would become a concern and a distinguishing factor. Hence the law at times

will offer a stool to level the playfield and this is called equity. Like the concept of how gender equality is not rational in situations where women are to be rendered additional aid due to the difference in gender such as pads, a more flexible work hour and more, the same concept is applicable in situations involving castes.

The argument that it would go against the concept of equality under Article 14 was an issue to be measured. However, from the initial stand where sub categorisation was not seen to be allowed as held in the case of E.V. Chinnaiah vs State of Andhra Pradesh, the courts now allow State government to create sub categorisation of backward classes to offer them proportional reservations.

### **How the Law would Answer the Plights of the Oppressed in the Novel**

If we were to apply what had transpired to Thangam from the novel, it is not too far-fetched to state that her abuse was clearly not based on a mere suspicion of being together with another man but because she was a cast lower. Hence it clearly touches on the fact she was differentiated and she by right ought to be given equal protection by law if they are subjected to cruelty and discrimination by upper castes.

The same situation would be applicable for the 12 year old who was kept being subjected to beastlike treatment along with harsh language. It would be a violation of constitutional rights that were mentioned above.

The specific law that was made for the protection of the Dalits or Arijans would be the Scheduled Cast/Scheduled Tribes Act 1989 specifically in section 2 (ec) which elaborates as to the situations where they would be seen as a victim which would be an individual who falls within the scheduled cast or tribes list who faced physical, mental, psychological, emotional or monetary harm. Here Thangam clearly falls within what was seen as physical harm which was a beating rendered on the basis of her caste and accusation of being with another man who was an Udayar which falls under psychological abuse due to his sexual assault on her along with how she was emotionally and psychologically traumatised from there on out.

The actions of Kamalam would also be covered by this law from the basis of the Federal Constitution where discrimination should not happen in terms of Article 15 and Article 17 which explicitly boycotts cast differentiation and discrimination.

The law may be seen solid with it covering nitty gritty forms of abuse under the scheduled castes and tribes act with the back up coming from the constitution to cover in a

generic manner for the whole nation. It aids by fitting in situations presented via literature of how the situation should be different with the presence of all these laws. However, the presence of the law is far from curing the practice of caste system. In fact, this cruel practice can be said to be still transpiring or at least in a very silent manner still alive under the nose of the law which was made for situations like this.

### The Continuity of Discrimination Regardless of Legal Prohibition

The caste issue is of no doubt become more docile due to the drastic changes brought in by the likes of Mahatma Gandhi or Ambedkar. However, it must be noteworthy that these literature sources are not mere tails but necessary and unfiltered lessons of how atrocious the caste system is if it is left unchecked and hence why it is worth revisiting up to this point. Today the issue of caste is still fairly consistent though not on an extreme basis due to the law but change is far from near.

The issue is even if the government and the legal framework is in feud with this discrimination, the application and real change needs to come from society. Hence why the law is considerably present but change does not come because society remains grounded on this old practice that was instilled within Hinduism.

Today it persists on the basis that everything from marriage, friendships up to the workplace environment are somewhat affected by the concept of caste as mentioned by Director of National Campaign on Dalit Human Rights, Ms Pallical.

More atrocious incidents which resemble the novel *The Grip of Change* would be where there were violences depicted where a 14 year old Dalit boy was tied to a pole and beaten by upper class Reddy's on the basis of an accusation he had stolen one of their daughter's earring. The parents of the Dalit boy were also beaten when they attempted to intervene. Another incident involves a boy being slapped for picking up a deity statue that had fallen because he was a Dalit, and his hands were claimed to have polluted the goodness statue which resulted to a fine his mother had to pay in order to restart the ceremony. This links well with the work of P. Sivakami to indicate as to how her work in her literature piece is not fictional but a broad reflection of the reality of how society still is up to this point.

The situations as mentioned transpired with the presence of the law indicating that change is useless unless it comes from society in a way where it is normalised that

caste discrimination is not permissible and it is no longer relevant.

### Conclusion

The book or masterpiece of awareness by P.Sivakami is necessary as a reminder that with or without laws in the presence of a nation, caste discrimination can and will still be an issue which can reach certain extreme heights because of it being embedded in society or the nature of people. The concept of Hart in terms of obedience of the law must come from a sense of obligation rather than one out of fear of sanctions. The person of the situation ought to obey the law out of a sense of moral obligation as if it were a norm even if he is aware there may be no legal repercussions arising from it. This may seem like a large stretch but it would be a necessary method or concept that the law will need to embody in order to ensure that there is change from within the society. One possible suggestion is to curb the older generation which holds onto this strongly to prevent them from spreading caste conscious values to the younger generation and if possible to target the situation on a geographical basis specifically areas known for strong caste conscious concepts.

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