

SOCIAL CHANGE AND LAW – SOCIOLOGICAL STUDY ON DHANKUT OF DISTRICT BAHRAICH OF U.P.

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Introduction

It is inevitable for homo sapiens to be a member of any cultural group. Culture is an image of man to distinguish between human being and animal, but due to influence of environment culture always goes under change which is commonly known as social change. Social change is a continuous process which searches alternatives to stable man's culture and their lives too. It is another thing its pace varies from age to age, culture to culture and from one area of culture to that of another. Social change leads to a new social structure within a group. Social change on one hand produces new traits and on the other hand it ends the traditional customs. Thus social changes may come through education, acculturation and sanskritisation. It has also been observed that many factors such as natural, geographical, biological, demographic, technological, economic, psychological, political, military, cultural, ideological and role of great man etc. too effect social change. But for a variety of reasons the pace of social change has been rather slow in some cultures. It is well known that every cultural group is a part of nation/state which is governed by some law and legislature. There is a reciprocal relationship between law and social change. Law is both an effect and cause of social change and provides strategy for social change.

In the broadest sense law includes all customs and rules, whose observance is required and enforced by a recognized authority. However, for sociological purposes it is better to limit the term law to formally enacted and recorded norms by legitimate authority.

Laws are enacted by legislatures. The law making system in every society produces legislations concerning various aspects of life. Some of them are framed to maintain law and order in the society and some are applied to remove social evils and change the conservative faiths and beliefs. The term social legislation is used to depict these legislations. Social legislation plays a dynamic role in society. They are effective instruments of social change.

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Law brings about social change both directly and indirectly. In many cases law interacts directly with social institutions and brings about obvious changes. A law prohibiting polygamy has a direct influence on society. It alters the behaviour of individuals. On the other hand, law plays an indirect role by shaping various social institutions which in turn have a direct impact on society. For example, the system of compulsory education enables the functioning of educational institutions which in turn leads to social change.

Law also brings social change by redefining the normative order and creates the possibility of new forms of social institutions. It provides formal facilities and extends rights to individuals. The law against untouchability has not only prohibited the inhuman practice but has also given formal rights to those who suffered from such disabilities to protest against it. Thus law not only codifies certain customs and morals but also modifies the behaviour and values existing in a particular society.

Thus law entails two interrelated processes- the institutionalisation and the internalisation of patterns of behaviour. Institutionalisation means the creation of norms with provisions for its enforcement, whereas internalisation means the incorporation and acceptance of values implicit in a law. When the institutionalisation process is successful it in turn facilitates the internalisation of attitudes and beliefs.

In pre independence period some legislations were made in relation to prevailing conservative and orthodox social practices such as untouchability, degrading position of women, infanticide, sati, widow hood and child marriage which acted towards social reform. Prevention of Sati Act,1829; Widow Remarriage Act,1856; Native Marriage Act,1872; Age of Consent act,1891;the Factory Act,1881; Bengal Tenancy Act,1885 and Press Act,1878 not only advanced the cause of socio-cultural change but also contributed towards the transformation of agrarian structure.

However, the nature and extent of social change in India have been influenced largely by radical social legislation introduced after independence. They pertain to subjects ranging from economy, polity, trade, and commerce to marriage, family and inheritance. Legislations impact upon every aspect of people's lives.

Our Constitution provides certain basic rights(Articles 14-32)to every citizen irrespective of religion, race, sex, caste, place of birth etc. ensuring justice socio-economic and political, liberty of thought, expression, belief faith and worship, equality of status and opportunity and fraternity assuring the dignity of the individual. It also ensures protection against exploitation and protects cultural and educational rights.

Articles 36 to 51 lays down certain directive principles of the state policy to secure (a) adequate means of livelihood for all citizens; (b) control and distribution of wealth so as to sub serve the common good; (c) equal pay for equal work; (d) health and strength for all from economic avocations; (e) protection from child labour; (f) right to work and to education; (g) uniform civil code;(e) promotion of educational and economic interests of the scheduled castes, scheduled tribes and of other weaker sections.

The Untouchability (Offences)Act, 1955 amended as protection of Civil Rights Act, 1976 has definitely attacked caste prejudice, though has not been fully able to eradicate it.

A number of laws have been enacted for the upliftment of women. The Special Marriage Act, 1954; Hindu marriage Act, 1955; Hindu succession Act, 1956 and Dowry Prohibition Act, 1961; Prevention of Immoral Traffic Act, 1956; Sati Prevention Act, 1987; Protection of Women from Domestic Violence, 2005 have created favourable situation regarding the status of women, whereas Hindus Adoption and maintenance Act,1956; Child Labour (Prohibition and Regulation) Act, 1986; Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation, Act, 1996; the Juvenile Justice Act 2000 amended in 2005 have safeguarded and protected rights of the children. These illustrative legislations demonstrate that in a democratic state like ours, legislation can be effectively used as an instrument of social change.

Present study has been done on a group called Dhankut to analyse whether law is a means of social change. Dhankut is an endogamous group of Bahraich whose population is 2687 according to 2001 census. Their description is not given any where even in district gazetteer they have been mentioned as Dhankut. They claim themselves to be Vaish, but they are not listed in any caste hierarchy. Government, too, has not placed them under SC/ST/OBC

category. Cross-cousin marriage, and parallel cousin marriage are their queer characteristics. Gotra is absent amongst them. It is neither agricultural, occupational nor service class group they are engaged in retail work of cereal selling, betal selling and thela (wheel cart) pulling. Dhankut women are engaged in cow dung collection and making of cow dung cakes. They believe in traditional Panchayat. Since they are not having any specific status, they are considered as equivalent to other Indians who are governed with Indian law and legislature.

Objective

The object of present paper is to analyse extent and manner of changes brought by law in socio-cultural, political and economic life of a group Dhankut residing in Bahraich District of Uttar Pradesh.

Methodology

Present study is exploratory cum descriptive type of work. 300 respondents were chosen by random sampling. All the respondents, male and female were above 18 years of age. Interview technique was used for data collection and this study was carried out during 15 March to 15 April, 2006.

Result and Discussion

Analysis of data reveals following facts-

Low Level of Education

The Constitution of India guarantees fundamental right to education under Article 21-A and Article 41 directs the state to make policies for the furtherance of education. It has been observed time and again by the Supreme Court that fundamental rights have no meaning in the absence of right to education. In order to enjoy a dignified life a person must be educated. So far as Dhankut are concerned their education level shows a dismal picture.

Table - 1 Educational level of respondents

Sex	Educational Status	
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Ratio	Illiterate		1-5 th		6-8 th		10 th		12 th		Graduation		P.G.		Total	
	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%
Male	68	43.5	47	29.9	22	14.0	09	5.7	07	4.4	03	1.9	01	0.6	157	52.3
Female	90	62.9	32	22.4	16	11.2	01	0.6	03	2.3	-	-	01	0.6	143	47.7
Total	158	52.7	79	26.4	38	12.7	10	3.3	10	3.3	03	1.0	02	0.6	300	100.0

Table - 1 shows that Dhankut represent an illiterate group. Majority of respondents 158(52.7%) are illiterate. Only 79(26.4%) have studied upto 5th, 38(12.7%) are upto 8th, 10(3.3%) are upto 10th, 10(3.3%) are upto 12th 3(1.0%) are upto graduation and only 2(0.6%) are upto post graduation. Table also shows that female literacy is lower to male. 90 females are illiterates whereas only 68 males are illiterates. As we proceed toward higher education, it is more clear. It shows that Dhankut are not very much interested in female Dhankut's education.

Absence of Jobs

The low level of education is the main cause of Dhankut's absence in government jobs. In spite of National Literacy Mission and programmes like Sarva Shiksha Abhiyan, the light of literacy is still far away from Dhankutypura. Following table shows the cause of absence of jobs amongst Dhankut.

Table-2 Cause of absence in jobs

Sex Ratio	What is cause of absence in government jobs?				Total	
	Poverty		Illiteracy			
	Nos.	%	Nos.	%	Nos.	%
Male	50	31.8	107	68.2	157	52.3
Female	23	16.1	120	83.9	143	47.7
Total	73	24.3	227	75.7	300	100.0

Table-2 shows that all the respondents have different opinion from different category. 107 (68.2%) males and 120 (83.9%) females or 227 (75.7%) respondents say that only illiteracy is responsible for it. They think that when they will be educated better opportunity will come automatically in their way. 50 (31.8%) males and 23 (16.1%) females or overall 73 (24.3%) respondents say that poverty is main cause of absence of government jobs. They think that money can provide better opportunities.

Poor Level of Occupation

Due to lack of education and poverty Dhankut are mainly engaged in small time occupations. In today's fast developing globalised world and government having the credit of new economic policies, Dhankut are still engaged in petty works due to lack of money and other material resources. No agricultural land has been distributed to them and due to lack of awareness and non recognition of their caste they are not able to reap the fruits of various programmes run by the government and other financial institutions. Table given below shows the occupational description of the respondents-

Table - 3 Occupational description of respondents

Sex Ratio	Particulars of Business/Occupations												Total	
	Labour		Service		Business		Agriculture		Others		None			
	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%
Male	60	38.2	03	1.9	62	39.4	09	5.7	-	-	23	14.6	157	52.3
Female	08	5.5	-	-	-	-	-	-	16	11.2	119	83.3	143	47.7
Total	68	22.7	03	1.0	62	20.6	09	3.0	16	5.3	142	47.4	300	100.0

Table -3 shows that Dhankut are engaged in different occupations. Maximum females 119(83.3%) are not involved in any occupation/business, 16(11.2%) are doing other works such as collection of cow dung and selling of wood etc. Whereas only 8(5.5%) are engaged as labourers. But males are doing different works. 62(39.4%) are engaged in different businesses as betal shop, fruit shop, cereal selling etc., 60(38.2%) are doing labour work, 23(14.6%) are doing nothing, 9(5.7%) are engaged in agriculture. Dhankut is a non-agriculture community but during last decade some Dhankut have purchased agricultural land for their livelihood. In the whole community only 3(1.7%) are in government services. They are all in fourth class job. Here it is also important to note that their traditional work was cereal selling which ended up due to emergence of new market system.

Low Level of Income

Poverty, lack of education and lack of decent job is reflected in the poor living standard of Dhankut. From the very beginning of five year plans the main thrust has been on the poverty alleviation programmes and election manifesto of every political party also guarantees for the eradication of poverty, but nothing concrete has been done. Table given below shows the poor monthly income of Dhankut-.

Table - 4 Monthly income of Dhankut

Sex Ratio	Particulars of Monthly Income in Rs.									Total
	500	1000	1500	2000	2500	3000	3500	4000	None	

	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	60	38.3	25	15.9	15	9.6	11	7.1	05	3.1	06	3.8	03	1.9	09	5.7	23	14.6	157	52.3
Female	24	16.7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	83.3	143	47.7
Total	84	28	25	8.3	15	5	11	3.3	05	1.7	06	1.7	03	1.0	09	3.0	142	47.3	300	100

Table – 4 shows that. 142(47.3%) respondents are getting nothing due to absence of occupation. Overall 84(28%) are earning only Rs. 500, 15 (5%) get Rs. 1500, 10(3.3) get upto Rs. 2000, 9(3%) are getting more than Rs. 4000 p.m., 6(1.7%) upto Rs.3000 and 5(1.7%) are getting upto 2500 only, 3(1%) respondents income are upto Rs. 3500. Thus table shows that majority of respondents are getting Rs. 500 p.m. as Dhankut belong to a poor community. Maximum females 119(83.3) are doing nothing they are just involved in domestic works.

Cross Cousin Marriage

Right to marriage is recognised under Article 21 as part of right to life and personal liberty and judicially recognised too. Hindu marriage Act section 5(iv) also guarantees close relation marriages in the name of custom and usage which is otherwise void. It is very unhealthy practice and leads to a number of genetical problems due to inbreeding and thus devoids the person of right to health, which is again a fundamental right, recognised under Article 21. In 59 years of independence the government is not able to do away with this unhealthy practice which continues in the name of usage and custom with the sanction of the government.

Table – 5 Causes of cross cousin marriage

Sex Ratio	Why do you practice such marriage								Total	
	Due to culture		To save community existence/identity		Lack of mobility		Non Recognition by other communities			
	Nos	%	Nos	%	Nos	%	Nos	%	Nos	%
Male	6	3.8	73	46.5	7	4.5	71	45.2	157	52.3
Female	7	4.9	62	43.3	4	2.8	70	49.0	143	47.7
Total	13	4.3	135	45.0	11	3.7	141	47.0	300	100.0

Table – 5 Shows that 141 (47%) respondents 71 (45.2%) males and 70 (49%) females say that they indulge in cross cousin marriage due to their non recognition by adjacent communities. Since their caste is not described in district gazetteer people from other adjacent communities do not like to give their daughters and sons in Dhankut families for

marriage and because of this they prefer cross cousin marriage to save themselves from extinction. This view is reflected by 135(45%) respondents, 73(46.5%) males and 62(43.3%)females. 13(4.3%) respondents,6(3.8%)males and 7(4.9%) females prefer such marriage due to culture and 11(3.7%)respondents 7(4.5%)males and 4(2.8%)females prefer such marriage due to lack of mobility from Dhankuttyapura which is result of their poor economic status.

Caste Prejudice

In spite of prohibition of untouchability under Article 17 of the Constitution and Protection of Civil Rights Act, 1976 this mal practice still continues. Since Dhankut are not included under the four folded caste system, they are looked down upon by the members of adjacent communities. They are not permitted to enter the temples visited by higher class communities. That is why their panchayat has constructed a separate temple which is visited by Dhankut. Here, it is remarkable to note that the living place of Dhankut, Dhankuttyapura is, surrounded with Brahmins and Kayastha community and a famous Durga temple sangharan is very near to Dhankuttyapura. Table given below shows the reasons for the construction of separate temple for Dhankut.

Table – 6 Reasons for construction of separate temple

Sex Ratio	What are the reasons for separate temple						Total	
	We were not permitted in Higher class temple		It was far		We wanted our own temple			
	Nos	%	Nos	%	Nos	%	Nos	%
Male	124	79.0	02	1.2	31	19.8	157	52.3
Female	122	85.3	01	0.7	20	14.0	143	47.7
Total	246	82	03	01	51	17	300	100.0

Table – 6 Shows that it is due to caste prejudice only that separate Dhankut temple has been constructed, this view is fortified with 82% responses of 246 respondents not because existing temples were far away from Dhankutty pura (1%) or that Dhankut wanted to have their own temple (17%).

Social Injustice

Though our Constitution guarantees social justice in its preamble, Article 14 cries for right to equality and Article 15 prohibits discrimination on the ground of race, sex, caste, place of

birth etc. but so far as Dhankut are concerned they are looked down upon by the adjacent communities due to following reasons-

Table - 7 Attitude of other communities towards Dhankut

Sex Ratio	What other communities think about your community?								Total	
	As lower class people		Unidentified people		poor people		don't know			
	Nos.	%	Nos.	%	Nos.	%	Nos.	%	Nos.	%
Male	113	71.9	11	7.0	11	7.0	22	14.1	157	52.3
Female	100	69.9	10	6.9	10	6.9	23	16.3	143	47.7
Total	213	71.0	21	7.0	21	7.0	45	15.0	300	100.0

Table – 7 shows that all the 300(100%) respondents have different opinion. Majority of respondents 213(71.0%) say that other communities think of them as lower caste group, 45(15%) say they do not know, 21(7.0%) say that other communities treat them as unknown people, and 21(7.0%) respondents say that they are considered as poor people. Males and females have almost similar opinion. Majority of respondents 213 (71.0%) feel that they are neglected and treated as lower caste group. Dhankut is an isolated and neglected group in present scenario.

Conclusion

From the responses collected it can be concluded that though law is a prime mover of social change but as far as Dhankut are concerned not much change is reflected in their socio-economic, political and cultural life. It is a poor, illiterate and isolated group. Due to non-recognition of their caste, poor level of education and meager income they have not been able to reap the fruits of various socio-economic legislations, government policies and programmes.

Dhankutypura is in the middle of the city but devoid of many basic facilities. The status of women is not very good they are not educated and mainly engaged in cow dung collection and making of cow dung cakes. Children instead of going to school are working and selling goods in streets to supports their families. The condition of primary school is very poor. The school is being run in the building of Panchayat as it has no building of its own. Though civil court is not far from their living place, but due to poverty they cannot go to it and refer their disputes to the Panchayat.

Dhankut are ridden by caste prejudice also. Since they are not listed in four folded caste system they are looked down upon by adjacent communities. They cannot avail the facility of reservation as they are not categorised as SC/ST/OBC though they fulfill all the characteristics of STs. Whatever changes have recently occurred in the lives of Dhankut these are due to Constitutional and legal safeguards, about which they have come to know through the process of acculturation mainly. Dhankut are not recognised as SC/ST/OBC in district gazetteer and they call themselves as of general category where cross cousin marriage is a taboo. Though Dhankut are not aware that such marriages are void under Hindu Marriage Act but under the influence of adjacent communities they have started feeling that it is something wrong and therefore they hide their endogamous character from other communities. Now they are preferring inter caste marriages and some inter caste marriages have taken place too, in their group. Thus change in marriage institution of Dhankut is not because of the effect of Hindu Marriage Act but due to the process of acculturation.

It is acculturation through which they have learnt about the Constitutional provisions regarding reservation in educational institutions and jobs. They have observed that other communities are flourishing due to the status SC/ST/OBC hence they too, want to avail the facility of reservation and want to be recognised as STs.

Dhankut are fighting for their social identity since 1973. Due to poverty, non recognition of their caste and lack of reservation facility their educational and service representation has been negligible. Due to lack of political representation they were also not able to assert their Constitutional and legal rights. But after 73rd amendment 1992 their social condition has improved. For decades Dhankut are living at a single place Dhankutty pura, which has made a good vote Bank. After getting separate municipal ward (No. 10) status, 04 Dhankut (2 male and 2 female) have been elected for Municipal Board. Today a poor and illiterate group has acquired political representation. Some grass root changes have been noticed and now basic facilities of water, road, light etc have improved in Dhankutty pura. Now-a-days Ram Phal and Mirchi are well known Dhankut leaders in their locality. All this has become possible only due to legal and Constitutional protections.

Thus it can be concluded that though there are Constitutional safeguards and plethora of socio-welfare legislations, but not much change is reflected in the socio- economic, political and cultural life of Dhankut. Some ideological and institutional changes can be noticed. Law is a powerful instrument of social control and social change but so far as Dhankut are concerned it has not been much effective due to their poverty, illiteracy and non recognition of caste.

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