



MYTH AND REALITY OF THE PROTECTION OF CIVIL RIGHTS LAW (1987). By Dinesh Khosla. Hindustan Publishing Corporation (India), Delhi. Pp. 190. Price Rs. 125.

THE BOOK under review is the revised version of the thesis submitted in partial fulfilment of the requirements for the degree of the Doctor of Laws at Yale University (USA) in 1981. The work is an empirical investigation of the nature of relationship between the law and social structure in India. The distance between law and life of the people forms the major issue raised. The investigation makes an attempt to know the application of civil rights law in India. In other words, how far the legislations passed by the state are effective? To what extent they are implemented? What exactly are the reactions of rural people to the law? To what extent the implementing agents are sincere? To what extent they are influenced by the local rich non-untouchables? What are the reasons for inter-caste conflicts? To what extent the people are aware of the Protection of Civil Rights Act 1955 (PCRA)? What is the role of education in conveying these civil rights to illiterate and ignorant masses living in villages? How many of these untouchables are well placed in life and hold responsible post/leadership in villages? To what extent the legislation has succeeded in bringing about the desired change? These are in nutshell the main issues raised and answered in the book?

The empirical research was carried out in the Indaur village *panchayat* area of the Buxar sub-division of Bhojpur district in the State of Bihar. This state has for long been known for its on-going inter-caste conflicts, and despite the passing of PCRA no single case has been reported over a period of 20 years. These are perhaps the reasons for the author to select the said village for this kind of study. He interviewed 300 persons and the responses of 270 adults were used as the primary source of data. Formal interviews for 1,200 hours were held. About 4,000 pages of hand written notes were prepared. The study lasted for 280 days of which 265 were spent in Indaur itself. This exercise shows the amount of effort put in by the author in this study.

In order to materialise a delicate topic of this kind the author first of all had to establish an effective rapport with the rural population of Indaur village. For this purpose he acquired a working knowledge of *Bhojpuri* (the spoken language of the people) and of the relevant aspects of contemporary social, economic and political life of the village.

The scheme of the study is split into four parts divided into 11 chapters. The problem and social milieu is the major theme of part I. This important part tries to ascertain whether the failure to make use of PCRA implied people's rejection of the ideals of humanism and human rights or whether it

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1. Dinesh Khosla, *Myth and Reality of the Protection of Civil Rights Law* (1987).



is a rejection of law and legal process as instruments of social change. In order to obtain a genuine and suitable answer to this question the author had to study all the 743 households of the Indaur village consisting of 5,100 people of four major communities stretched in an area of 3,288.59 acres. In the process he made a thorough investigation of issues like the ownership of land, agricultural implements used by them, man power, animal wealth, access to development programmes, schooling facilities, inter-caste relations and social awareness among people and the influence of political parties on major issues like minimum wages and land reforms.

Part II of the book is devoted to communication of law, discussed in three chapters. The author proves with ample evidence that any law that is based on principles alien to the predominant religious and cultural value system of the people cannot become an agent of social change unless its meaning and rational procedure for implementation are shared by individuals. The study reveals that 96 per cent of the persons interviewed in the village knew about PCRA. But then, since the legislation was printed in English, it was known to only 1 per cent of the population of the village. To translate this legislation into the national language authorities had taken 14 years! Moreover, the formulation of the law in sophisticated legal verbiage removed the law from the historical ethos and culturally shared experiences of the people.

The dissemination of PCRA has been done through posters pasted in the deputy commissioner's, *taluka* and block development offices and through the radio. The irony was that a very few of the 'untouchables' owned radio. Their disability extended to access to temples, water resources, places of public entertainment, burial and cremation grounds, public resorts, hospitals and educational institutions. Their agony is summed up by the writer in the following words: "[T]he law was known, yet unknown to the people. It was known in a maimed and mystified form that created a wide bridge people needed to cross if they wanted to feel its life."²

Added to this the 'non-untouchable' fathers bluntly rejected the need for communicating the law to their womenfolk and children. They believed that neither they nor their children needed its protection. Some even feared that PCRA may bring about a comprehensive change in economic and social relationships which might even affect their ownership of land. In contrast, some of the 'untouchable' elders were seriously concerned with the safety and future of their children and hence, despite their awareness of the law, they did not share it with others.

All said and done the 'untouchables' frequently complained about the ineffectiveness of the law and commented: "[T]he law was a trap that could not change social values." Even the *gram panchayat* the author puts it "was not only unsuccessful in diffusing information about PCRA but even

2. *Id.* at 69.



failed to protect one of its constituent units, the untouchables, against inequality, segregation and injustice.”³

Part III of the book is related to the perception of law and ideology, and is written with remarkable clarity. It reveals that in the enactment of PCRA, the affluent ‘non-untouchables’ saw a threat to their economic superiority. Compared with this attitude the lack of economic resources and the overwhelming fear of losing whatever little they had virtually kept the ‘untouchables’ away from activating the legal system. Perpetual indebtedness made the entire idea of invoking the law look ridiculous to them. The fear of not finding witnesses to support their complaints aggravated their humiliation. Moreover, there were chances of their being implicated in false cases by the discriminators. Law in its formal and institutional sense thus rendered meaningless to the contemporary life of the people.

The last part of the book is devoted to social change—ideology, law and tradition—discussed in chapters 8, 9 and 10. The main theme of this part is the extent to which PCRA has succeeded in bringing about the desired social to which change in the village. The necessary illustrations narrated here tell the reader, how the ‘untouchables’ were prevented to draw water from wells owned by the ‘non-untouchables’ and how they were prohibited from entering temples. But the awareness of the law, and the refusal of ‘untouchables’ to reconcile themselves with the status of inferiority imposed by tradition slowly shows the influence of social change in the village.

The investigation makes an attempt to identify the existing defects of the social environment where education is imparted to students of Indaur village. The approach of the rigid ‘non-untouchable’ teachers towards ‘untouchable’ students, the approach of trained and untrained teachers towards ‘untouchable’ boys, the intimate relationship of students during school days barring all caste factors and a change thereafter in tradition and orthodoxy have been described effectively with evidence. Even the subservience expected of the ‘untouchables,’ superiority and disrespect shown by the ‘non-untouchables’ towards the ‘untouchables’ and the distance which the ‘untouchables’ had to maintain in social events like weddings, births, deaths and celebrations of national or religious events have been analysed brilliantly.

The book makes a sincere attempt to study the application of PCRA in a remote village of the State of Bihar and reveals the genuine difficulties involved in its implementation. In this endeavour the data based study has not only revealed the loopholes in PCRA but also exposed how some of its provisions are alien to the social environment. The author has, wherever necessary, quoted extensive authorities in the area and conveyed the message in plain words. In other words the book is written with remarkable clarity.

3. *Id.* at 88.



A fitting finale is the foreword given to the book by Myres S. McDougal and W. Michael Reisman of Yale University. The printing and get up of the book are excellent.

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