

The *Harijan* Community of Chittagong: Darkness Beneath the Lamp

SCLS Research Team*

Prelude:

In the Indian subcontinent, the community known as *Harijans*, *Dalits*, *Sheboksor Hari* etc. are involved in ‘untouchable’ and ‘impure’ cleaning service of waste by carrying ancestral curse of legacy as waste management is non-isolable part of the society. Though they are performing a sacred job for the society, but they have been totally isolated from the civilized society on the basis of religion, caste and social status; specifically, on the principle of ‘untouchable’. According to Hindu Dogma the ‘Shudra’ lower community emerged from the feet of God, the lowest creed in the religion and the ‘Harijans’ belong to that. Generally, Harijan community works to clean and sweep under the City Corporation or Municipal Corporation with a low-figured salary, insecurity of job, low standard of life and social as well as legal isolation from the mainstream. The great leader Mahatma Gandhi said, “Harijan service is a duty the caste Hindus owe to themselves.” And he named the Harijan people are the children of god as well as ‘Devnagari’ ‘Nastaleeq’ etc. But the breed of Harijan community to this age crawled into subsistence with struggles and connotations. Their origin was in the Indian subcontinent and they dispersed for the purpose of their occupation in the whole subcontinent. Despite their significant role in the society, they were deprived of the rights they were supposed to get according to Article (1) of Universal Declaration of Human Rights-1948. The ‘Untouchable’ principle was almost omitted with remarkable approaches overtaken by Gandhi, where his strategy was related to the franchise interest and the Harijans were enjoying several rights and accepted by a few communities contemporarily in the year 1932.¹ Though Harijans in undivided India enjoyed and recognized by the civil society; the secluded communities in undivided Pakistan and undivided Bangladesh were despoiled from the enjoyments of rights and acceptance in the civilized society. The whole community in the then Bangladesh were being debarred from the engagement with common people and other rights in terms of education, health and justice; which is still in practice in many parts of Bangladesh.

Legal Status of the *Harijans*:

Article 29(1) and 29(2) of The Constitution of Bangladesh envisioned a country devoid of discrimination, disability, liability, inferiority, exclusion and classification of its citizens on the basis of all sorts of dogmas like *religion, race, caste, sex or place of birth*. In a visionary articulation of state policy, the constitution has offered a solemn guarantee of a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person will be ensured (Article 11). Equality of opportunity (Article 19) and equality of treatment (Article 29) run as life lines of the collective spirit

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¹Larry Collins and Dominique Lapierre, *Freedom at Midnight* (1975)

of the constitution. Stigmatization of any individual or social or cultural group in terms of its denial of access to places of public entertainment, resort or admission to any educational institution is strictly prohibited (Article 28(3)). Over and above, article 32 of the Constitution guarantees for everyone a right to life that connotes “the life of the greatest creation of the Lord who has at least a right to a decent and healthy way of life.”²Article 1, 2, 23, 25 of the Universal Declaration of Human Rights (UDHR);Article 2(2), 7, 9 of the International Covenant for Economic, Social and Cultural Rights (ICESCR); Article 1, 10(1), Article-18(3) of the International Covenant for Civil and Political Rights (ICCPR) have globally indemnified the human rights by which a person can lead his life with human dignity and utmost happiness.

But harsh to speak the same community is eliminated from fundamental human rights, facing humiliation and degradation in the society, particularly 12,85,000 *Harijan* people in Bangladesh.³ Local contractors, middlemen, officials or appointing authorities deprive them often curtailing salaries, working overtime, sacking from jobs at their will and a religious norm of not having more than two rooms by Harijans which has created severe accommodation problem. Thousand years of deadlock backdated them educating their children. Mainstream expensive medicare is not affordable by them let alone access to justice. Though article 28 (2) of the Constitution of Bangladesh has provided a scope of reasonable discrimination in favor of backward section of the society, the govt. is never willing to provide special privilege to the ‘long-deprived’ Harijan community.

Existing condition of the *Harijans*:

Study of the Society for Critical Legal Studies (SCLS) reveals that 80% of the University students of Bangladesh are not even oriented with the term Harijan which depicts a generation by default undermines a community, not even knowing their existence in the country. The scenario clearly shows the Integration rate of Harijans into the Bangladeshi Society. A field research has shown that, only 5-6 students from this community study in the Universities of Bangladesh. Approximately 5% of the students apply for the remission of the tuition fees and pre-emptory facilities in spite of the absence of ‘Special Quota’ system for the Harijans. Among the people of this community there are approximately 42% school going, 27% college going and only 3% approaches to higher studies generally; whereas the dropout rate is 27% and uneducated remains 1%. This may be soothing to see the uneducated rate is 1 percent, but the rate of dropout is to be scrutinized.⁴ In terms of occupation almost 76 percent Harijan works in City Corporation and only 4 percent works in other professions. Almost 20 percent of them want to leave the sweeping profession but they can’t just because they are being shackled with hereditary chains of their origin, lack of social integration, education and other opportunities. The Harijan women suffer more in terms of occupation as they have to work at night sometimes and during their pregnancy they are not provided maternal leave rather they have to give a replacement with another female worker; the same happens when male workers are sick. The salary (5000-12000; 84% Harijans earn a month) of the Harijan in city corporation given by the city corporation is quite unsatisfactory, as they can’t meet the needs of their life. Medical facilities availed by them is not being up to the

²*Dr. Mohiuddin Farooque v. Bangladesh* 55 DLR (2003) 69, Para 18.

³*Website of the Ministry of Social Welfare*, Accessed on 28 October 2017

⁴*The Harijans of Chittagong: Study into a State Sponsored Caste System*, paper presented by the SCLS research Team before the *SCLS Roundtable on Harijon Community* held in the Daily Azadi Auditorium on September 23, 2017.

mark; as they rarely get entrance into private medicals, whereas they get less facilities in the public hospitals too. A community which doesn't get appropriate medical facilities let alone Special facilities as a backward community. Almost 93.7 percent Harijans go to public hospitals, where the number of private medical going Harijan is 6.3 percent. Here numbers clearly show the discrimination.⁵

Harijans avail fewer facilities in their community as enjoyed by the other communities of the country. Several facilities like, electricity, lack of water supply, inappropriate drainage system must be mentioned hereby. And one noteworthy problem is that Harijans according to their belief build houses within two rooms, which creates a lot of problems in their living style. Apart from this, Harijans think that general people are not very much imperative towards them. A Harijan girl never marries a boy outside of their community. And thus, Harijans they themselves make a family, make a society there. Common people of civilized society don't visit their houses and doesn't even sit in a single table with them. Some people objects in terms of their lifestyle as they often are used to get drunk and create violence. People said, "We can talk with them, help them but never have food with them and never visit their house." This segregation severely harms the inter-socio relationship and make the Harijans disconnected and uncivilized. When a community is in demand of food and other basic amenities 'Access to Justice' sounds quite unfamiliar there. But the Harijans in our country are being oriented with two sorts of justice seeking provided by NGOs (Bangladesh Legal Aid and Services Trust (BLAST) & Bangladesh National Women Lawyers' Association) and District Legal Aid offices. Whereby 22.82 percent are ignorant of laws, 2.1 percent somehow seeks relief from court and immense number 51.61 percent has never sought relief in court; somehow 17.4 percent got legal aid access.⁶ The percentages demonstrate how a community is living under the darkness of the word 'Justice'.

Recommendations:

Scholarship should be provided to the students of Harijan Community in terms of education in Primary, Secondary and Higher Secondary level. Quota System should be introduced for the students of Harijan Community to gear them up for higher studies. Every school in the community should take preparatory measures to encourage the students of Harijan Community regarding education. The concerned authorities should take the approach of social awareness for encouraging the guardians of this community to engage their children into study.

The community should be allocated with proper leaves they desire to have as they don't get annual leave, sick leave etc. The community should be introduced with the specialized gratuity fund, pension and other occupational allowances etc. They should get equal treatment by the employers employing them either Government or Private. As they are the under-privileged society of the country they should be entitled with 'quota facilities' in terms of occupation.

Medical fees should be recessed into a minimum amount as the community is an under-privileged one. Providing special treatment to the community by setting special cabins for the members of the community. The rate of access of this community to the private medicals should be increased. The people of this community should be availed with equal

⁵*Ibid*

⁶*Ibid*

treatment in some cases specialized treatment or may be a separate hospital should be established for this community as the civil society rarely socializes with them. Moreover, the views of civil society towards them should be changed.

Interactivities and cross-cultural bondage between mainstream society and the Harijan society should be developed. Addiction to drugs; gambling etc. by male members should be deduced and made them realize their cultural vices in practice. Education can drastically change their life styles. As they are ignorant of the outer world, they become confined in thoughts as well as life structures and merely follow the ancestral style of living. Decentralization of the Harijan people will effectively attach them with the mainstream society. Self-employment sources like cottage industry, rearing bees, hatchery, agro-farming, small enterprises etc. can change their life.

General people should get oriented with life style of Harijan communities as well as their miseries, which will let the civil society feel their setbacks and make conjunction with them. Decentralization is an urgent need to make the community aware of the outer world's cultures and practices. Rate of education must be increased which will by default make them socialize. Educational, social, religious institutions should be Harijan-friendly. It will ensure hesitation less participation of the Harijan Community into the festivals, ceremonies, events etc. which will make the socialization approach swift.

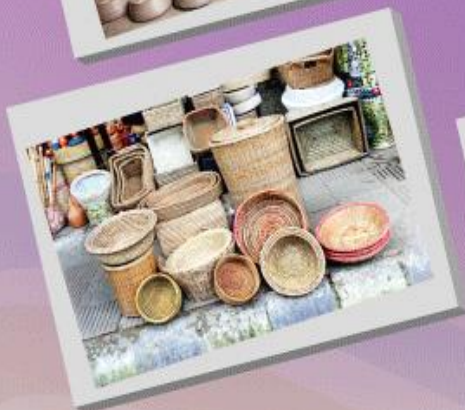
The government should make the existing legal aid services more accessible for the Harijan and the excluded communities. The legal aid rules should be amended by the government to incorporate special allowance of legal aid to Harijan Community who need access to justice. The government should reconsider and scrutinize the policies and laws related to protection of Harijan Community and specific provisions should be incorporated to guarantee access to legal remedies for Harijan women and children who suffer human rights violation. NGOs should facilitate campaign to raise awareness among the Harijan community including their rights and the ways to access to justice for any rights violations they may experience from other communities. Social and legal awareness should be increased for better integration between the civil society and Harijan community.

Concluding Remarks:

The whole study is destined to depict the lifestyle, culture, occupational likings, educational demography, availability of justice to the community etc. And it endeavored to convey a message to the civil society and to the government that, all man are equal. No race, caste and community shall be deprived of socialization, interaction, higher education and remarkable occupations due to his profession or origin. Moreover, there is a strong belief that, government along with other agencies will adopt significant measures to uphold the human rights and social rights that the Harijans are entitled to.

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