

Violations of Human Rights on Dalits

Abstract

The human rights violation of Dalits is one of major problems of our country. The socio-economic milieu of Indian society is inherently hostile towards protection of human rights of the Dalits. It is the caste and varna system of social stratification which promotes and perpetuates the societal violations of Dalit human rights. Atrocities, on the SC/STs are of ancient vintage. They are anchored in a hierarchical, inegalitarian and discriminatory Hindu social order. Looking into the various reasons which lead to atrocities on Dalits, various laws passed by the Indian government since Independence to check caste based discrimination and international covenants on civil rights, which have failed to protect vulnerable sections of society such as Dalits.

Keywords: Human Rights, Dalits, Caste, Atrocities, Hierarchical, Inegalitarian, Civil Rights.

Introduction

The concept of human rights is though as old as the ancient doctrine of natural rights founded on natural law, the expression human is of recent origin. It is only natural rights, which eventually lead to the formation of human rights. Human rights are those minimum rights, which every individual must have against state or other public authority by virtues of his being a member of human family irrespective of any other consideration. In the language of United Nations Commission for Human Rights: "Human rights could be generally defined as those rights which are inherent in our nature and without which, we cannot live as human beings."

Common Objectives of Human Rights

The concept of human rights and human development is all about sharing a common vision and a common purpose to secure the freedom, well being and dignity of all people everywhere. It is meant to secure:

1. Freedom from discrimination by gender, race, ethnicity, national origin or religion.
2. Freedom from want-to enjoys a decent standard of living.
3. Freedom to develop and realize one's human potential.
4. Freedom from fear of threats of personal security, from torture, arbitrary arrest and other violent acts.
5. Freedom from injustice and violations of the rule of law.
6. Freedom of thought and speech and to participate in decision-making and form associations.
7. Freedom for decent work without exploitation.¹
(Human Development Report 2000, UNDP, Oxford University Press, Delhi)

Human rights have been described as that minimal rights that every individual must have by virtue of his being a member of human family irrespective of any other consideration. They are based on mankind's demand for a life in which the inherent dignity of a human being will receive respect and protection.

Aim of the Study

1. To analysis the concept of human rights
2. what are the role of human rights in society
3. How human rights develop the personality of dalit class.

Review of Literature

Human Rights and Dalits

The rule laid down by the Hindu law giver, Manu, is that there are only four *varna's* of Hindus and there is not to be a fifth *varna*. The four *varnas* are as Brahmins, Kahatriyas, Vaisyas and Sudras. According to sage Brighu, Brahma created only Brahmins and the other sections of the Hindus namely Kshatriyas, Vaisyas and Sudras came into existence on the basis of the extent to which the original Brahmins deviated from the principles to be observed by them. Gandhiji and others in their campaign against untouchability contented that the untouchables and the Scheduled Tribes fall under the fourth category, namely the Sudras on the basis of

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Manu's law of stratification governing Hindu social order that there shall be only four varnas. Dr Ambedkar has pointed out that this theory is not acceptable because Manu speaks of untouchables as *varna-bahya*, which means those out-side the *varna* system. The four classes of Hindus are called Savarnas while those outside the four classes like the untouchables are called Avarnas. Manu has stated in his smriti that the dwellings of the Chandals-Shapaks shall be outside the village, that they must be made *apapatras* and their wealth shall be dogs and donkeys, their dress shall be garments of the dead, they shall eat their food in broken dishes, and black iron shall be their ornaments. They must wander from place to place, and they shall not sleep in villages and towns at nights. It is well-known that in villages the untouchables live in separate localities, while the other caste Hindus live in separate localities, while the other caste Hindus live in the main village. It cannot, thus, be denied that the untouchables are not part of the Hindu society and they must remain separate and segregated.²

Atrocities on Dalits

According to Human Rights Watch Report more than one-sixth of India's population, some 160 million people, live a precarious existence, shunned by much of the society because of their rank as "untouchables" or Dalits- literally meaning "broken" people- the bottom of India's caste system. Dalits are discriminated against, denied access to land, forced to work in degrading conditions, and routinely abused at the hands of the police and higher-caste groups that enjoy state protection.

Despite the fact that untouchability was abolished under the Indian Constitution in 1950 the practice of Untouchability the imposition of social disabilities on persons by reason of their birth in certain castes-remains very much a part of rural India. Untouchables may not cross the line dividing their part of the village from that occupied by higher castes. They may not use the same wells, visit the same temples, and drink from the same cups in tea stalls, or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms, and community as a whole is made to perform degrading rituals in the name of caste.

Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education. With the exception of a minority, who have benefited from policy of quotas in education and government jobs, the majority of Dalits are relegated to the most menial of tasks, as manual scavengers, removers of human waste and dead animals, leather workers, street sweepers, and cobblers. Dalit children make up the majority of those sold into bondage to pay off debts to upper caste creditors. Millions of Dalit men, women and children work as agricultural labourers for a few kilograms of rice or Rs 15 to Rs 35 a day. Their upper-caste employers frequently use caste as a cover for exploitative economic arrangement as social sanction of their status as lesser beings allows their impoverishment to continue.³

In fact, not a single day passes without perpetration of atrocities on the Scheduled Castes, which takes several forms, such as murder, rape, looting or damaging the properties, etc, by the upper castes. The police also become a party to such acts of atrocities against Dalits. The police in the uniform are known for abuse of power. They often side with the upper caste persons against the Dalits and in many cases they join the upper castes to attack the Dalits and destroy their properties.⁴

According to the Fourth Report of National Commission for Scheduled Castes and Scheduled Tribes there were different kinds of crimes and atrocities committed on the Scheduled Castes and Scheduled Tribes in India during 1995-97.

Causes of Atrocities

1. Land disputes
2. Civic facilities and atrocities
3. Untouchability related crimes
4. Self-assertion and atrocities
5. Other causes such as state inaction or inadequate action

In order to understand the nature of atrocities and the causes thereof, the meaning of the term "atrocities" is to be made clear. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, defines atrocity in terms of offences listed as under:

1. Forcing a member of the SC or ST to drink or eat any inedible or obnoxious substance;
2. Committing acts with intent to cause injury, insult or annoyance by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;
3. Forcibly removing clothes from the person or parading him or her naked or with painted face or body, or the commission of similar act which is derogatory to human dignity;
4. Wrongfully occupying or cultivating land owned by, or allotted to SC or ST, or getting the land allotted to him transferred;
5. Wrongfully dispossessing him from his land or premises or interfering with the enjoyment of his rights over any land, premises or water;
6. Compelling or enticing him to do 'begar' or other similar forms of forced or bonded labour;
7. Forcing or intimidating not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;
8. Instituting false, malicious or vexatious suits or criminal or other legal proceedings;
9. Giving any false or frivolous information to any public servant and thereby causing such public servant to use his lawful power;
10. Intentionally insulting or intimidating with intent to humiliate;
11. Assaulting or using force against any SC or ST women with intent to dishonor or outrage her modesty;
12. Dominating the will of a SC or ST women to exploit her sexually;
13. Corrupting or fouling the water of any spring, reservoir or any other source by SC or ST;
14. Denying a member of SC or ST the customary right of passage to a place of public resort or

- obstructing such member to prevent him from using or having access to a place of public resort;
15. Forcing or causing a member of SC or ST to leave his house, village or other place of residence.⁵

Implementation of PCR Act and the law on Atrocities against SC and STs

Successive governments against quite concerned about the continued practice of untouchability and forms as also the atrocities that are committed on SC or STs, involving their person, dignity and property. To tackle this twin problem of social disabilities and commission of atrocities on Scheduled Castes and Scheduled Tribes, the government proposed to take a number of steps including

1. Special legislations for deterring atrocities on SCs or STs,
2. Strengthening of existing police cells including mobile squads, increasing the number of special/mobile courts including courts for trying atrocity cases,
3. Survey of untouchability and atrocity prone areas,
4. Legal aid and relief,
5. Encouraging intercaste marriages,
6. Strengthening, monitoring and evaluation,
7. Publicity and propaganda, etc. and setting up of committees at various levels. An amount of Rs. 50 crores was estimated to be required for this scheme during the Eighth Five Year Plan.

A group was set up by the Central Government for the purpose, which recommended that:

1. Free legal aid should be provided to the persons subjected to any disability arising out of "untouchability". There should be separate rules, providing for adequate free legal aid. The procedures prescribed should be simple. The executive magistracy should operate the scheme.
2. Special mobile courts should be set up in the states like Maharashtra and Uttar Pradesh and additional courts should be set up in states like in Tamil Nadu, Madhya Pradesh, Rajasthan, Orissa and Bihar for quick disposal of untouchability cases.
3. Every state and Union Territory administration should prepare an inventory of the actual disabilities suffered by the Scheduled Castes in different places and all the measures should converge on the identified discrimination being practiced and the regions where in they are acute.
4. Effective and deterrent action should be taken in all reported cases, by strengthening the existing special cells in the nodal department and police department and at other levels.
5. The district authorities should initiate suo moto action in all instances where the practice of untouchability in public places comes to their notice without waiting for formal complaints.
6. The Scheduled Caste organizations may be authorized to lodge complaints with the police
7. Recongnising the need for creating public opinion against the evil practice of untouchability, the

- Ministry of Information and Broadcasting should arrange to bring out more programmes through their various media units throughout the country.
8. In the states with sizeable Scheduled Caste population two or three districts may be selected for intensive propaganda and implementation of the provisions of the PCR Act, 1955. Selection of such areas may not be based on purely statistical information, but with reference to the intensity of the discriminations practiced against Scheduled Castes. In such selected area, the states governments should mobilize all sections of the public including members of Parliament, public-spirited citizens and social and voluntary organizations and make them work against practice of untouchability in any form. Special position should be given to leaders of Scheduled Castes with their involvement in the measures taken to mobilize public against this evil practice. Public opinion thus mobilized is likely to have a powerful impact on the thinking of the people.
 9. Prosecution machinery should be suitably strengthened. The Special PCR cell set up in the states should be given necessary powers to prosecute offenders.
 10. Scheduled Caste youth should be educated about the various provisions in the PCR Act and other laws.
 11. Over 50 percent of the cases of atrocity against Scheduled Caste pertain to denial of drinking water facilities to them by upper castes. Every village inhabited by Scheduled Castes should be provided with adequate drinking water facilities.
 12. It has been observed that in urban areas upper castes refuse to give houses to Scheduled Castes on rent. The group felt that House Building Act should be suitably amended so that the Scheduled Castes are not denied houses on rent.
 13. Inter-caste marriages should be encouraged. To encourage non-SC male youth marrying unemployed SC girls, incentive of jobs outside the reserved quota may be considered.
 14. The provisions made in the PCR Act for the imposition of punitive fine should be used fully in the districts where the Scheduled Castes are subjected to various forms of discrimination and atrocities.
 15. The term "atrocities" in relation to members of Scheduled Castes should be defined and more stringent punishment provided for.
 16. The district magistrates/collectors should be made responsible for any atrocity on Scheduled Castes or violation of PCR and other relevant laws in the district; and
 17. The existing levels of relief in various states are very low. It is necessary to review these norms drastically upwards. Besides, there could be a suitable insurance cover for the SC victims of crimes and atrocities.⁶

Apart from fundamental rights guaranteed to every individual there are affirmative actions for the socially and economically disadvantaged groups. In its Human Rights report, the Government of India, in

institutional terms, mentions that the Constitution has prescribed specific affirmative measures with the twofold objective of safeguarding the fundamental and human rights of such vulnerable sections of society, including removal of social disabilities, and promoting their educational and economic interests. These measures include reservation in government jobs, administration, Parliament (Lower House) and state legislatures, and setting up of advisory councils and separate departments for the welfare of such socially and economically vulnerable groups. These groups have been identified in the relevant schedules of the Indian Constitution and are designated as Scheduled Castes and Scheduled Tribes.

Suggestions for Strengthening Human Rights

Time has come to arouse public opinion on the issue of human rights in order to ensure the concept of human rights prevails and the existing constitutional and legal safeguards are sincerely enforced. Hence, following suggestions are here-by made:

1. Human rights organizations should be strengthened throughout the country.
2. Advisory committees at the state as well as at local level be constituted to involve more people in the administration.
3. Through the media people (particularly illiterate and ignorant masses living in the villages) should be made aware of the protection of human rights.
4. It should be made obligatory on the part of the legislators that they visit their respective constituencies before the beginning of the session, so that genuine problems of the people may be presented before the legislative bodies.
5. Government must ensure that law implementing agencies work sincerely.
6. Executive magistrates should not be given judicial powers because they act as tools of the government and the police.

7. Journalists have to be scrupulously honest and fair and act in a manner that a true democracy demands.
8. If we wish that the democracy should service in India and the Constitution of India should remain valid in perpetuity, the people of India must remain well informed about the administration of the state. Hence, the right to know should be given a statutory recognition.
9. Like Election Commission, Human Rights Commission should also be strengthened.
10. To protect human rights, serious efforts be made to end poverty, inequality and economic exploitation.

Conclusion

To ensure dignity and self-respect to Dalits there is need to launch a democratic movement far and wide in India against the forces of status quo and discrimination, while on the other hand there has to be global concern for Dalit human rights and action against age-old practice of untouchability and graded inequalities is required.

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