

Untouchability Impacts: A Statistical Study of Practices & Role of P.C.R. ACT, 1955

Abstract

India being the largest democracy is still suffering from the disease of 'Untouchability'. Though the practice of untouchability had also been criminalized through the Indian Constitution and other statutory laws, still the problem exist and have become a complex issue. This paper draws on new data to present status of untouchability at different level for two district of Uttar Pradesh. Here we are only focusing on the practice of 'untouchability' in relation to the caste system and awareness of ACT in society with pictorial presentation.

Keywords: 'Untouchability', Democracy

Introduction

The problem of untouchability and poverty of the Scheduled Castes has been with us as an existential reality from times immemorial[10]. Being born as a cave dweller, a desolate has sprinkling inherent Human Rights which ensure pride in oneself and equality. India considering a signatory to a well known International Conventions which is a source of strength the rights of heirs and assign and prohibits Untouchability or distinct forms of discrimination has inscribed those rights and remedies under its swine laws. India's Constitution abolished "untouchability"1 way strengthens in 1950 how the champion castes could bygone legally urge Dalits to travail any "polluting" occupation [2, 9]. Yet full, scavenging, leather function and other unbecoming activities further linger the monopoly of the scheduled castes and the members of one castes are threatened by all of physical invade and social boycotts for refusing to plow the more abasing tasks. Migration, national forest in the government jobs and services, gloom of the civic environment has in small number cases procreate upward professional mobility halfway Dalits [1]. But still the man or woman estate continues to stick by all of their traditional functions. "Untouchability" is pasted on by arrangement allowance of staple and facilities; diverge facilities are provided for diverge caste-based neighbourhoods [8]. Dalits often am a party to the poorest of the couple, if they are a party to any at all. In profuse villages, the state administration installs strength, purification facilities, and raw material high heels in the upper-caste passage, anyhow neglects unrest the agnate in the adjacent, unusual Dalits area. Basic all the comforts of home such as water taps and wells are further segregated and medical facilities and the top, thatched-roof houses reside exclusively in the upper-caste colony. As revealed aside case diamond in the rough below on the force majeure in Gujarat, these cognate practices assist true at some future timetually in times of great impulsive disaster [7]. According to the Varna system the people were categorized as per their occupation. To understand the same, a figure 1 is given below.

Aim of the Study

In India the piece of Judiciary anchoring the enthusiasm of Scheduled Castes and Scheduled Tribes by passing on the judgments isn't worthy in respect of their preparation, open business and headway thus forward. In the midst of the season of 60 years the piece of lawful is critical. This research article has advocate to implement the untouchability law which is passed by Supreme Court. It has not ensured penny percent value to the Scheduled Castes and Scheduled Tribes. Neither the Supreme Court nor the lower Courts have constrained emotions or the death penalty, or life confinement or careful confinement against the upper Caste people who have submitted barbarities against the Scheduled Castes and Scheduled Tribes. Inspire of the legitimate intercession, shock, grabbing of land, ambush, mishandle, and goading are proceeding against them. Our



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legitimate necessities to take affirmation of these fierce practices and deflect them to give value

Review of Literature

J.Miichael Mahar The constitution does not define "untouchability" nor is it clear what constitutes its "Practice in any form or "a disability arising out of untouchability." [10]. Pattillo, M As revealed aside case diamond in the rough below on the force majeure in Gujarat, these cognate practices assist true at some future timetually in times of great impulsive disaster [7]. Okoye-Johnson, Untouchability or distinct forms of discrimination has inscribed those rights and remedies under its swine laws. India's Constitution abolished "untouchability"1 way strengthens in 1950 how the champion castes could bygone legally urge Dalits to travail any "polluting" occupation. [9]. U Gayathri. The work of genius of Human Rights in the International backdrop had witnessed by the whole of the landmark changes for the accomplishment of the society [6].

Fig 1 Critical View of Caste in society



Critical Analysis

As every data analysis and graph tells a story, the researchers have to be a good story about research. We need basic knowledge in creating and interpreting the graphs produced. Also the person trying to understand the untouchability story needs some basic knowledge about act and impact in Jhansi and Lucknow district. The researchers present the critical view in basic three steps.

- ✓ Collect Information as primary level
- ✓ Observation with data
- ✓ Impact analysis with graph

A number of observation have involved during analysis by experts in this work and as work at primary level with data, show in table1 with pictorial presentation in graph. The data analysis part work at starting level examine in two terms as untouchability ratio and impact of ACT in society [4]. There are more than 90 ways in which 'untouchability' is practiced.

Though the notions of practice had changed from the ancient times to the present still many of the forms in which the practice is carried out is heinous and unacceptable to the human nature and are against the human rights.

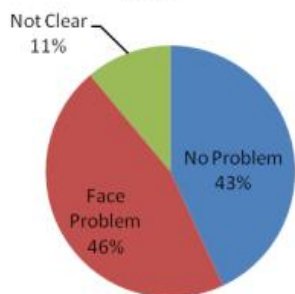
Table-1: Status of untouchability at different level in Lucknow and Jhansi district					
S.No.	Practice of Untouchability	No. of Despondence	Positive Response (No Problem)	Negative Responses (Face Problems)	Not Clear
1.	Entry to Non Sc House	915	277	556	82
2.	Service of Food and water in Non-Sc House	915	292	559	64
3.	Segregation at Feasts and Community Lunch	915	279	559	77
4.	Access to Drinking water	915	361	469	85
Untouchability in public space					
5.	Hotels/Public eating Place	915	409	420	86
6.	Post-office	915	692	161	62
7.	Banks	915	717	132	64
8.	Shopping	915	759	103	53
9.	Health Service	915	594	247	74
10.	Laundry	915	457	371	87
11.	Barber	915	451	371	93
12.	Tailoring	915	714	144	52
13.	Public transport System	915	772	83	60
Cultural Life					
14.	Religious	915	237	608	131
15.	Marriage	915	66	780	67
16.	Funeral Procession	915	294	518	103
17.	Clothing	915	408	317	84
18.	Addressing by caste name	915	182	651	182
19.	Women and touch ability	915	139	628	68
Educational Life					
20.	School life	514	160	281	73
21.	Library	514	283	190	41
Economic Life					
22.	Discrimination at workplace	915	348	466	101
23.	Discrimination in Irrigation Facilities	915	302	509	114
Political Life					
24.	Panchayath meeting	915	327	492	96
25.	Village Council meeting	915	360	491	14
Awareness about PCRA - 1955					
			Know	Don't Know	Not clear
26.	Villagers	915	20	734	161
27.	Student	514	18	373	123
28.	Businessman	175	13	117	45
29.	Police	78	21	28	29
30.	Leaders	124	5	63	58
Awareness about POA – 1989					
31.	Villagers	915	452	286	177
32.	Student	514	181	239	94
33.	Businessman	175	101	42	32
34.	Police	78	93	5	0
35.	Leaders	124	90	17	17
Public opinion: Remove Untouchability, More effective act between PCRA-1955 and POA-1989					
			PCRA	POA	
36.	Villagers	915	36	183	69
37.	Student	514	22	112	280
38.	Businessman	175	9	63	103
39.	Police	78	16	32	30
40.	Leaders	124	9	38	47

Suggestion Part 1

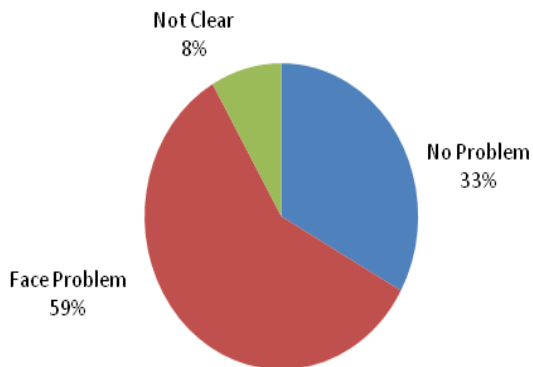
In order to presents the pictorial presentation of data impact on untouchability with graph. The graph evaluation suggested the valuable recommendation in different perspective.

1. Providing assistance to victims of untouchability practices
2. Creating awareness about the constitutional guarantees and the gamut of legislations on this issue;
3. Working as a watchdog to ensure that local officials implement the provisions of the Act, and in its absence, acting as a reporting mechanism for complaints in this regard
4. Providing data and research to the Government on the forms and extent of untouchability, and other caste-based discrimination in the 239 district, and making suggestions and recommendations for policy interventions in this regard;
5. Providing feedback and vigilance for Government initiated schemes for the welfare and upliftment of oppressed and marginalized groups.
6. A significant role may be played by Voluntary Organizations, through involvement in the Civil Rights Enforcement Committee, and through official recognition under the Act. Such organizations may assist the victim in going through the process of filing of the FIR, trial, relief and rehabilitation.

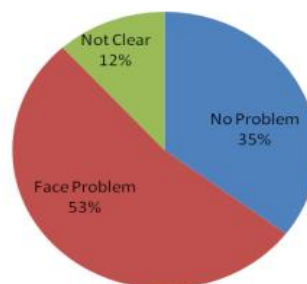
Untouchability Status at Educational Life



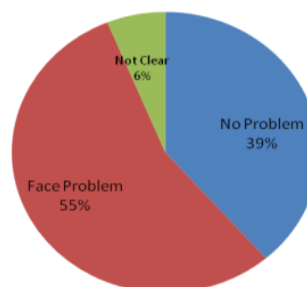
Untouchability Status at Social Level



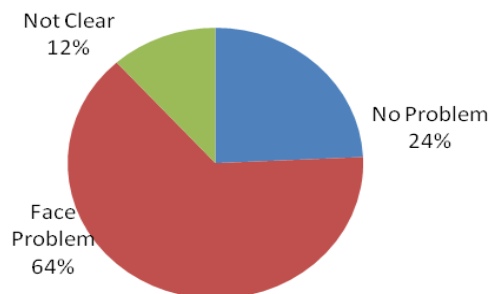
Untouchability Status at Economic Life



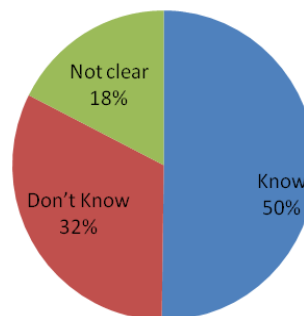
Untouchability Status at Political Life



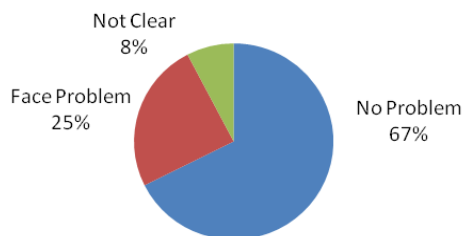
Untouchability Status at Clutural Life



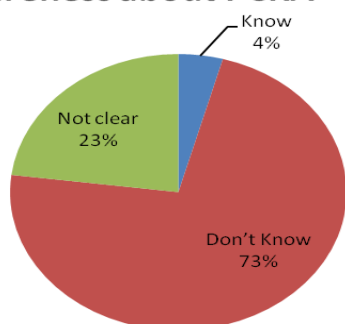
Awareness about POA – 1989



Untouchability Status at Public Space



Awareness about PCRA - 1955



Suggestions Part 2

This report has been prepared keeping in mind several important lessons gained from the study of attempts at reform and legislation to do away with the practice of untouchability, including the Protection of Civil Rights Act [8]. 1st attempts at removing the symptoms of untouchability without addressing embedded hierarchies cannot meet with success. 2nd practices of untouchability persist due to the avoidance of any perceived interference in the so-called 'personal' sphere. 3rd legislation dealing with issues such as untouchability can only be successful if accompanied by active engagement at a social and political level. Last, that any redressed mechanism has to be instituted keeping in mind social realities such as issues of access to justice and corruption. While there is increasing awareness, and assertion of rights, the same resisted through the embedded hierarchies, resulting in new forms and practices of social evils such as untouchability, thus requiring newer methods of studying and dealing with the same. It is with that background that the study of the PCRA has been carried out in the present report. The following are the conclusions and recommendations of this study.

Act Provision

Procedural Reform

With respect to the interpretation of the provisions of the PCRA and the compliance with the procedural requirements of the same, several instances of the same have been highlighted above. For example S. 7 (1) (d) dealing with insult has been interpreted in a number of decisions to mean that in order for insult to amount to an offence has to be on the ground of untouchability alone, although the

Section itself does not require the same. A further example is the persisting question of whether offences under the PCRA are compoundable, in spite of deletion of the provision which had allowed compounding of offences under the Act. 235 With respect to procedural issues, the conceptual ambiguity with respect to Scheduled Castes status and offences under the PCRA is also reflected in the fact that FIRs require a statement of the caste of the complainant and the accused, and may be quashed if the information is missing, although the Act itself does not mandate the same. At the very least, police officers should instruct complainants to state their caste in the FIR in such cases. Also, there is noncompliance with procedural requirements by prosecution agencies which result in the vitiation of trials, as seen in a number of decisions. This is to the detriment of the complainant who does not retain any control over the proceedings, but is left without a remedy due to irregularities committed by prosecuting agencies.

In order to deal with procedural lapses, we recommend the preparation and distribution of training manuals, in consultation with the Police and Judicial Academies, detailing procedure to be followed for registration of FIRs, investigation and charge-sheeting that will detail out the required procedures that are to be followed by the police during registration of offences, investigation and charge sheeting of offences, as well as by the Magistrates in commanding the police to stop or continue investigations etc.

Witness Protection

Witness protection is a substantive provision of great importance as hostile witnesses are a principal cause for the large number of acquittals. Our field study indicates that compensation is not made available to witnesses till months after the witness appears in court, which is a reason that the practice of compensating witnesses has not resulted in a lowering of acquittal rates. We therefore recommend an expeditious compensation, if possible on the same day, as well as measures of protection to victims who approach the Courts.

Sentencing and Conviction

With respect to sentencing, it is not clear whether the policy being followed is that of deterrence or rehabilitation, although the focus seems to be on the latter. 236 Sentencing-3 may be altered only once the goal of the same is made clear, since, if the theory of deterrence is pursued, harsher punishments would be in order. However, the overall focus of the PCRA seems to be more indicative of social rehabilitation, and this should be kept in mind when prescribing punishment.

Some specific suggestions are given below:

1. While conviction proves to be difficult, civil remedies are often time consuming. Hence, incorporating both civil and criminal remedies seems to best serve the goals of the PCRA, such as by encouraging prosecutors to pray for compensation, which a court can award under Section 357 of the Cr. P.C.

Remarking An Analisation

2. A new Section should be incorporated penalizing practice of Untouchability by employees of the State, to which a more stringent punishment should be prescribed, to address the fact that untouchability is rampant in the State services and in access to State services.
3. In Section 10, the offence of abetment by a public servant, situations where reserved posts in service are not filled up should be considered for possible offence of abetment to untouchability, as originally proposed in the 1976 Amendment Bill Explanation to Section 10.
4. Instead of the requirement of sanction in Section 15 (2), the redressed of a grievance of this nature against a public servant should be through a Vigilance Committee. The Vigilance Commission may also conduct periodic surveys of the working of the provisions of the Act, with a view to suggesting measures for the better implementation of its provisions.
5. The little-used Section 10A for the imposition of collective fine may be done away with, and instead the practice of taking a collective bond may be instituted, returnable only after a specified period of 237 normalise in an area. Interests earned from such bond may be used to spread awareness on untouchability.
6. Further use should be made of the little-used Sections 8 and 9 for cancellation of government licenses which are innovative practices which may be better used to tackle untouchability, by not merely restricting it to offences under Section 6, but extending it to any offences of untouchability committed in relation to any business, trade, profession, calling or employment, which requires a license. As part of the pre-sentence hearing, it should be mandatory for the Magistrate to ask the accused to show cause why his license should not be revoked.

Institutional Reforms

1. With respect to the investigation of crimes, since it has been noted that investigation of PCRA crimes is not given a great deal of importance by the police, a Cell should be constituted to exclusively deal with caste related crimes. The Cell may act as a nodal committee for gathering information supplied by the entire network of intelligence agencies already in existence. It would then forward such information to appropriate authorities and engage in further investigation.
2. Cells such as the Civil Rights Enforcement Cell (CRE Cell) in Karnataka however are set up only to initiate prosecution or exercise supervision over prosecutions for contravention of the provisions of the Act, and perform a watchdog function rather than an investigative one, as the local police are required to inform the CRE Cell at all stages of the investigative process. A Special Cell within the police department, as discussed above, would instead be a better mechanism.
3. With respect to the Special Courts under the Act, they should deal exclusively with caste-based offences, and be set-up in all States and Union

Territories, and also have their own Prosecutor, Police 238 personnel and other officials. While Section 15 of the POA requires a Special Public Prosecutor of at least 7 years, this is less than the mandated 10 years in Section 24(7) of the Cr PC. The POA provision loses sight of the fact that special legislation would require persons of greater experience, and the same should be kept in mind when appointing Special Public Prosecutors under the PCRA as well.

4. With respect to institutional support from the Panchayath Raj institutions, as recommended by the Saxena Committee Report by the NHRC, it is submitted that since such institutions are very often enmeshed in caste hierarchies, their involvement may not assist in the eradication of untouchability. Local involvement may be in the form of Vigilance Committees at the District Level.
5. Implementation of the Act is fundamentally impeded by the fact that basic institutional requirements such as the establishment of Vigilance and Monitoring Committees under the Act have not been carried out. Such requirements must be met before any of the suggestions in this report are to have any effect.
6. An important institutional support is required which may be met by the setting up of a Civil Rights Enforcement Committee comprising of representatives of the police, administration, civil society and affected communities whose mandate would include.
 - i. Providing assistance to victims of untouchability practices.
 - ii. Creating awareness about the constitutional guarantees and the gamut of legislations on this issue.
 - iii. Working as a watchdog to ensure that local officials implement the provisions of the Act, and in its absence, acting as a reporting mechanism for complaints in this regard
 - iv. Providing data and research to the Government on the forms and extent of untouchability, and other caste-based discrimination in the 23.

Observation

On the basis of questionnaires find out following results

1. Maximum untouchability was recorded 64% at cultural life included different topic Marriage, Funeral Procession, Clothing, Addressing by Caste Name and Women and Touch ability
2. Minimum untouchability was recorded 25% at public space included different points Post-office, Banks, Shopping, Health Service, Laundry, Barber and Public Transport System
3. When we asked about PCRA and POA act awareness than find out that 50% people knew about POA but only 4% people knew about PCRA act. Due the lack of knowledge maximum people said that POA is more effective than PCRA act in untouchability case.

Remarking An Analisation**Conclusion**

The notions of untouchability are ideas which, despite the spread of education and the advent of modern lifestyles, tend to stick and prey on our religious and social insecurities. Social change is invariably slow and necessitates a change in the political, economic, social and cultural environment. This, in turn, requires the social psychology of the masses to transform over time. The economic, social and cultural evolution of the Indian landscape has seen many of its traditions withering away or facing persistent resistance from modernity and rationality. Assuming correct reporting, seventy percent of accepting practicing untouchability is a decrease sign. This primary study examines the caste based practice of untouchability in India, shifting the focus from the victims of this practice, the ex-untouchables (Dalits), to the perpetrators, the non-Dalits.

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