

Dalit Rights and the Context of Denial: An Example of a Civil Society Organization

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Abstract

The objective of the paper is to understand the socio-economic condition of Dalits in India. This paper deals with the problems and discrimination faced by Dalits and highlights the role and efforts of civil society organizations in the upliftment of condition of Dalits. The analysis is based on empirical experiences as well as secondary sources collected from various sources like census and civil society organizations reports. The paper is about the of Dalit rights emanating from the constitutional scheme and, dwell in considerable detail on the socio-economic conditions resulting in perpetuation of infringement or denial of these rights particularly in respect of land, education and social justice, for example, of Dalit are a matter of grave concern, more so, if seen in the context of human dignity. It takes recourse to the deliberations of National Human Rights Commission (NHRC) in bringing the issues of discrimination and "historical injustice" against Dalits at global level. Sequel to it is the attempt to provide evidences from the field in relation to land, literacy and education, besides the most pervasive issue of atrocities against women. With backdrop, the paper looks into the initiatives of civil society organizations addressing issues with explicit focus on poverty and patriarchy. The organization is also organizing its resources to continue our work with the Manual Scavenging Community, that is one of the most marginalized group in UP.

Keywords: Dalit, Dalit Rights, Civil Society, Land, Education, Atrocity against Dalits.

Introduction

Today, denial of rights constitutes the issues of global concern. And movements that are being carried out concerning these rights have bearing at larger sociological level. These movements are being informed by the Dalit perspective that endorses Dalit rights on par with human rights in India. Longish years our democratic setup developed after independence, the long-established phenomenon denial of basic rights in respect of land, education and social justice, for example, of Dalit are a matter of grave concern, more so, if seen in the context of human dignity. Vivek Kumar in his paper "Situating Dalits in Indian Sociology" writes,

"Indian sociology has failed to locate Dalits in the Indian society in general, and the Hindu social order in particular. Why, even after a century of development of sociology in the country, the Dalits occupy a dubious position particularly vis-a-vis the Hindu social order? The 'book view' of caste argues that there are only four varnas, but many sociologists- Indian, European and others- have portrayed Dalits as the fifth varna of Hindu society without any convincing explanation. Although they are practically included for exploitation of every type of labour, why have they been included in the theoretical scheme of varna as the fifth varna of the Hindu social order? No sociologist has given a convincing explanation for the fact that, even though they are included for exploitation of cheap labour, they have been excluded from every other interaction pattern (2005: 514-515)."

The Hindu social order, particularly its main pillars, the caste system, and untouchability presents a unique 'case'. As a system of social, economic and religious governance, it is founded not on the principle of liberty(or freedom), equality andfraternity, the values which formed the basis of universal human rights, but on the principle of

inequality in every sphere of life(Thorat,2002). In fact, internal conditions in Indian society never allowed the development of an egalitarian structure. It was further reinforced by utopian policy formulation, despite an elaborate constitutional scheme built on the principles of justice, equality, liberty and fraternity. But, in the absence of consistent efforts on the part of community to reclaim their legal rights and dignified social status during post-independence period, the emerging policy environment could not be adequately informed by the constitutional mandate. The only thing that has been of some avail is the affirmative action policy, now reeling under threat with the rise of Hindu rightist forces in the state. Saikia(2014) said that although India has made measurable progress in terms of the protections afforded to Dalits since independence but Dalits still suffer invidious discrimination and mistreatment at the hands of upper caste members and law enforcement officials.

There are indeed some watchdog institutions exhibiting some concerns towards the constitutional scheme for endorsing the Dalit rights. The National Human Rights Commission (NHRC), for instance, has come out with recommendations for the state to implement the legal provisions with implications for Dalit empowerment and well-being. In its report the Commissions made an important observation that civil society's "refusal to change its mindset" was to blame for the continuing discrimination and atrocities suffered by Dalits. The then Chairperson of the Commission, Justice Anand, also has made special mention of the NHRC's achievements in bringing the issues of discrimination and "historical injustice" against Dalits at global level. At the world conference against Racism, Racial discrimination, Xenophobia and Related Intolerance held in Durban in 2001, the National Human Rights Commission posited that forms of discrimination and the fact of their persistence, rather than the nomenclature, must engage our attention. The Constitution of India, in Article 15, expressly prohibited discrimination on grounds both of 'Race and Caste' and that constitutional guarantees had to be vigorously implemented. The pathetic condition of Dalits need to be reviewed and revised with newer vision, and a concrete Policy be evolved. Unless we produce the leaders among Dalits communities our goal will always remain unfulfilled. There is, however, the need of organizing a movement at this juncture. Such a formation must build upon a common minimum program oriented towards the liberation and empowerment of the community.

Objectives of the Study

1. To find out the socio- economic status of Dalits in Indian society.
2. To understand the condition of discrimination against Dalits in the context of constitutional rights.
3. To assess the role of civil society organizations towards Dalit rights.

Evidences from the Field

Land is not only the basic resource for livelihood of the vast majority of the people living in

the village, but also an indicator of the social status. Possession of land is an index of determining the socio-economic status of person's living in rural areas. But rampant landlessness among Dalits has further pushed them to more demeaning position. Majority of the Dalit population are daily wage laborers belonging to unorganized sector. Hence, they are the victim of unequal wages pushing them finally to the marginalized status. In the society women are the worst sufferers as they are exploited not only in the patriarchal system but also along their caste lines too. In this regard Narula writes,

"Caste discrimination has a unique and specific impact on Dalit women who endure multiple forms of discrimination. Dalit women are especially vulnerable to violence by the police and private actors. As the majority of landless laborers, Dalit women come into greater contact with landlords and enforcement agencies than "upper- caste" women, rendering them more susceptible to abuse. Landlords use sexual abuse and other forms of violence and humiliation against Dalit women as tools to inflict "lessons" and crush dissent and labor movements within Dalit communities. Vulnerability to sexual violence also results from Dalit women's lower economic and social status, leading many of them to turn to prostitution for survival (2008: 277)."

In Indian social structure Dalit women especially rural Dalit women face a number of severe problems, like no access to resources, illiteracy rate are very high among them, no land rights, ignorance towards their rights, no access to basic services and justice. Despite constitutional provisions (such as Panchayat Raj system) where women are being given the reservation in leadership, their situation has not improved a bit. Numerous case-studies and reports have proved this.

Spread of Literacy and Education

Dalits have experienced consistent denial to access to education since the 1850s. The Dalit population continues to struggle for equality (Fraser, 2010). According to Annual Status of Educational Report, 2017 (ASER), 25% of the age group 7-16 still cannot read basic text fluently in their own mother language. More than half struggle with division and only 43% are able to do basic calculation correctly. 53% of all the 14 year only students in the sample can read English sentences and for 18 years old this figure is closer to 60%. Among this age group of students who can read sentences only 79% can say meaning of the sentence. The reading habit does not impress at all at primary level. What do we know about the basic capabilities of those who have completed eight years of schooling? For over a decade, the ASER reports have been pointing out that foundational skills like reading and basic arithmetic even at the point of completion of elementary school are worrying low, about a quarter of all children in class 8 struggle with reading simple texts and more than half are still unable to do basic arithmetic operations like division and multiply. The survey conducted by ASER within various states like Punjab, Uttar Pradesh, Haryana, Madhya Pradesh and Rajasthan etc. What does all this empirical

evidence pointing to? At the time of secondary and senior secondary the student completed 10th and 12th standard the student undecided to what further course he or she should peruse. As a developing nation we need to be ready for a new generation of young people. Every year we will be “graduating” cohort of close to 25 million young and hopeful boys and girls from elementary school. They can’t enter the work force at least in the organized sector until they are 18. For many families these children are the first from their families ever to get this far in school. On the one hand aspirations run high parents and children expect that such “graduates” from school will go on to high school and college. Hardly anyone wants to go back to agriculture or their paternal work where their parents many have spent their entire working life.

The time from 8th to 12th grade has generally been considered an important transitional period for adolescents, because of their desire for autonomy and independence and their gradual detachment from their families. These important developmental changes in adolescents may make observing consistent findings about the effect of parental involvement on students’ academic outcomes more difficult. There is still time to think on the side of provision; there are ongoing moves to universalize secondary schooling. There are serious efforts to expand skilling opportunities. But as a Nation we need to know not only prepare this generation for learning and knowledge but also what the young people are aspiring to do and aligning abilities and achievements with aspirations. Forging promising alternative new pathways forward is critical not only for youth but for the country as well. Educational aspirations are not only regulated by external influences or by saying anyone or motivating but it is extensively motivated by self-influence. Yes, it is true that we can influence by seeing others but the inherently motivation should be first in place. The aspiration influence itself resulted from observation, environment and social norms. It’s inherent in nature but at some level it is influent by the motivator which seems missing in disadvantaged groups such as scheduled castes and Tribes.

Atrocity against Dalits

Uttar Pradesh is most populous state in India. Dalit constitutes 21.1% of the population of the state. It is a well-known fact that Dalits of UP are comparatively more aware on political front, but it is a fact too that the degree and measure are much higher than any other state regarding the atrocities. According to the National Crime Records Bureau (NCRB) Annual Report, 2005 the state recorded the highest numbers of crimes against SC in the country with 4,397 cases. This is 16.8% of all crimes committed against SCs in the country. As per the estimates of various government agencies, the incidence of poverty among SCs in the state is 45%. The Dalit literacy rate in the state is 46.2% against the state average of 56.3%. Only 57.4% of Dalit population is able to complete the primary education against 86.5% among other Hindu castes and this proportion reduces to 16.4% while completing matriculation.

The number of atrocities committed against Dalits across the country during the year 2017 has gone up, according to the latest NCRB data. The number of atrocities committed against scheduled castes (SCs) during the year was 21.5 per cent with over 43,200 cases. The number of cases recorded is a rise from 40,801 during 2016 and 38,670 during 2015.

Uttar Pradesh stood at the top among states in atrocities reported against SCs with over 11,000 cases. This was followed by Bihar with over 6,700 and Madhya Pradesh at more than 5,800 cases. Among the Union Territories, Delhi and Puducherry recorded 48 and 32 cases, respectively.

According to the data, ‘simple hurt’ with 30.3 per cent or 13,099 cases constituted the highest number of cases of crimes/atrocities against SCs, followed by 13.4 per cent under SC/ST (Prevention of Atrocities) Act and 7.6 percent cases of criminal intimidation.

Over 650 cases of rape of children under SC/ST Prevention of Atrocities Act, read with provisions of the IPC were reported. The highest number of such cases was recorded in Madhya Pradesh at 121. The number of atrocities against SCs in metropolitan cities came down from 1,622 in 2016 to 1,400.

The number of atrocities committed against scheduled tribes (STs) was 7,125 — an increase from 6,568 cases recorded during 2016. The state with highest number of atrocities against STs was Madhya Pradesh at 2,289. The number of atrocities recorded against STs in metropolitan cities was 111 during 2017.

Data shows ‘simple hurt’ comprised the highest number of atrocities against STs accounting for 21 per cent cases, followed by rape with 14.6 per cent and assault on women with intent to outrage her modesty with 13 per cent cases during 2017.

Beginning from 2016 the number of cases of atrocities against SCs was over 43,200. The number of atrocities committed against STs was 7,125 — an increase from 6,568 cases recorded during 2016.

Civil Society Initiatives

It goes without saying that eradicating poverty and patriarchy are the main concerns of Action Aid, a civil society organization, engaged in up scaling the ongoing work by bringing together the most marginalized Dalit sub-castes under the single Dalit identity. The organization is also organizing its resources to continue our work with the Manual Scavenging Community, that is one of the most marginalized group in UP. Apart from addressing their immediate poverty conditions, the efforts have been made to build their capacity, collectivize them so that they can assert against the denial of their rights and establish their own identity.

Over the years, with the experiential learning of working with Dalits, Action Aid realized that the issues and identity of certain Dalit communities (who are less in strength and are termed as *Dalit among Dalits*) do not get included in agenda of larger Dalit movement. Hence in 2001, Action Aid started working with them. Musahar and persons in manual

scavenging (PMSs) are two of such communities where major thrust was given during this period.

The organization's work with Dalits was majorly centered on the long-term and large projects involving partner CSOs have been able to bring about critical changes in the lives of Dalits. Islands of development have been created. But these islands are minuscule looking at the sheer size of the state. Hence the interventions have not succeeded in bringing about any major social-political or constitutional-legal changes.

Conclusion

Most civil society formations reaffirmed the importance of freedom, peace and security, respect for all human rights, including the rights to development and to an adequate standard of living, upheld the rule of law, good governance, gender equality, women's empowerment and the overall commitment to just and democratic societies for development. These organizations have attempted an analysis of the proposed SDGs from the point of view of caste-based exclusion and discrimination. An equitable approach to all goals and targets, placing foremost the needs of the poorest, most excluded and vulnerable has been developed along with setting the targets under education, health, water rights and sanitation and other basic rights will be equitable and close the gap between the advantaged and disadvantaged in a time bound manner. Extreme inequality and caste-based discriminations have been recognized as basic hindrances to economic growth as well as poverty eradication.

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