



Human Rights and Caste Atrocities Against Dalits

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Abstract : Ambedkar is India's foremost human rights activist during the 20th century. He is an emancipator, scholar, extraordinary social reformer and a true champion of human rights. It can be said that he is one of the highly regarded Indians whose emancipation and empowering role for oppressed groups that cut against the gender divide has inspired subaltern groups all over the world. All should try to take inspiration from Dr. B.R. Ambedkar's life and work for the creation of a just and gender-neutral world. The drafting of the Indian Constitution in late 1947-48 coincided with the UN Declaration on Human Rights in 1948. The section of the Constitution on "Fundamental Rights" and the "Directive Principles" emulates the UN Declaration. The provision in the Constitution reads:[It is solemnly resolved] to secure to all citizens Justice: Social, Economic and Political, Liberty of thought, expression, belief, faith and worship. And equality of status and of opportunity, and to promote among them all fraternity, assuring the dignity of individual and unity. The strength required to face the tyranny of Hindu castism comes from the Universal Declaration of Human Rights. It is imperative to build a strong international network to support the Human Rights Movement among the Dalits of different cultural, political, religious and linguistic groups through education on Human Rights. By being united for Human Rights we can organise Dalits. This should be a priority declaration for each one of us to empower people to gain their legitimate rights through Human Rights Movement. All violence against Dalits and violations of Human Rights of Dalits came under the preview of the Universal Declaration of Human Rights - which the United Nations insist is really universal and applicable to all countries irrespective of their particular cultures. The problem of Dalits, who are divided on the basis of occupation, community, culture, language, etc. can be resolved if the Dalits have learnt that we are human beings first, and we have to respect our fellow Dalits who are born as human beings and the paradigm of relationship is respect for human dignity and the paradigm for growth is respect for (human) dignity of labour, which is naturally found in every Dalit Village.

Key words: bonded labour, Dalit Village, paradigm

Introduction:

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gender divide has inspired subaltern groups all over the world. All should try to take inspiration from Dr. B.R. Ambedkar's life and work for the creation of a just and gender-neutral world.

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The Constitution also states that: *The state shall not discriminate against any citizen on grounds of religion, race, caste, place and birth or any form.* In the Directive Principles it is added that *The State shall promote with special care the educational and economic interest of the scheduled castes/tribes and shall protect them from social injustice and all forms of exploitation.* In accordance with these Constitutional provisions a number of measures have been initiated by the government for providing protection to untouchables (Scheduled Castes or SCs). These measures are both protective and developmental. In the 'protective' sphere untouchability was legally abolished and its practice in any form forbidden by the Protection of Civil Rights (Anti-Untouchability) Act of 1955. Nearly two decades later, protections for SCs were reviewed to make them more stringent and effective in the Bonded Labour (Abolition) Act 1976. In 1989, the Government enacted yet another Act, namely the Scheduled Castes and Tribes (Prevention of Atrocities) Act in order to prevent atrocities against SC/STs.

History of Oppression and Crime Against SC/ST:

"No where in the history of mankind is there any system like as we possess it in India. This caste system alone has created a section of sub-human beings in

this country in the form of Dalits, whose human rights have been trampled systematically for ages. Under this mysterious system, these subhuman beings are safe as long as they have to face the eternal war of extermination which is silently operating the form of atrocities." The Hindu religion is based on Caste System with graded inequality, Brahmin (Priest caste) on the top, below comes Kshatriya (ruling caste), below comes Vaishya (business caste), below stands Shudras (menial caste) to serve all 3 masters, and Untouchables are the lowest of the low- the Out-Caste. In this caste hierarchy power is in ascending order and contempt is in descending order. This is like a 5 story building with no stairs to go-water tight compartments. The top 3 castes are the ruling high caste less than 15%, but control 80 % of the power, wealth, police judiciary and 90% media.

In villages Dalits cannot fetch water even from the public well or the well gets polluted as per hindu beliefs. They cannot socialise in village cafe for the fear of pollution. If they dared, there are many cases of beatings, killings by high caste Hindus. The Hindu religious traditions in certain parts of India force 6 year old female Untouchable child to marry to temple god by coercing her parents-the landless labour, and at puberty they rape her and every year 5000-10,000 these children are secretly auctioned to the brothels of Bombay and other major cities. This system is known as Devdasi or Maidens of God. Other sanctified female child prostitution is called Jogins where a child at puberty is forced to stay with her parents as a bonded labour and the Hindu masters visit her at her house to have the sexual pleasures. Moreover, the evidence shows



that the vast majority (80-98%) of bonded labourers in India come from Dalits and Adivasi communities.

Oppression of SC/ST in Present Indian Society: 68 years after Independence, as Dalits continue to bear the brunt of violence and discrimination-highlighted in recent weeks by the tragic suicide of Rohith Vemula, a Ph.D student in the Hyderabad Central University who hanged himself, blaming his birth as a "fatal accident" in a chilling final note-we could not be any further away from what the Constitution had demanded from a free and fair India.

Rohith's is not the lone tragedy. A spectre of suicide deaths by several Dalit students is haunting India. Out of 25 students who committed suicide only in north India and Hyderabad since 2007, 23 were Dalits. This included two in the prestigious All-India Institute of Medical Sciences in New Delhi, and 11 in Hyderabad city alone. Systematic data does not exist for such suicides, but the problem runs far deeper than a few students deciding to end their own lives after being defeated by the system.

Dalit dilemma in India reads like an entire data sheet of tragedies. According to a 2010 report by the National Human Rights Commission (NHRC) on the Prevention of Atrocities against Scheduled Castes, a crime is committed against a Dalit every 18 minutes. Every day, on average, three Dalit women are raped, two Dalits murdered, and two Dalit houses burnt. According to the NHRC statistics put together by K.B. Saxena, a former additional chief secretary of Bihar, 37 per cent Dalits live below the poverty line, 54 per cent are undernourished, 83 per 1,000 children born in a Dalit household die before their

first birthday, 12 per cent before their fifth birthday, and 45 per cent remain illiterate. The data also shows that Dalits are prevented from entering the police station in 28 per cent of Indian villages. Dalit children have been made to sit separately while eating in 39 per cent government schools. Dalits do not get mail delivered to their homes in 24 per cent of villages. And they are denied access to water sources in 48 per cent of our villages because untouchability remains a stark reality even though it was abolished in 1955.

We may be a democratic republic, but justice, equality, liberty and fraternity-the four basic tenets promised in the Preamble of our Constitution-are clearly not available to all. Dalits continue to be oppressed and discriminated against in villages, in educational institutions, in the job market, and on the political battlefield, leaving them with little respite in any sphere or at any juncture of their lives.

All this even while there has been no dearth of political rhetoric, or creation of laws, to pronounce that Dalits must not get a raw deal. The Protection of Civil Rights Act, 1955, and the SC/ST (Prevention of Atrocities) Act, 1989, prescribe punishments from crimes against Dalits that are much more stringent than corresponding offences under the IPC. Special courts have been established in major states for speedy trial of cases registered exclusively under these Acts. In 2006, former prime minister Manmohan Singh even equated the practice of "untouchability" to that of "apartheid" and racial segregation in South Africa.

In December 2015, the SC and ST (Prevention of Atrocities) Amendment



Bill, passed by Parliament, made several critical changes. New activities were added to the list of offences. Among them were preventing SCs/STs from using common property resources, from entering any places of public worship, and from entering an education or health institution. In case of any violation, the new law said that the courts would presume unless proved otherwise that the accused non-SC/ST person was aware of the caste or tribal identity of the victim.

So why have violent incidents against Dalits increased, rather than decreased over the years, in spite of Constitutional protection and legal safeguards? "Caste is not simply a law and order problem but a social problem. Caste violence can only be eradicated with the birth of a new social order," says Chandra Bhan Prasad, co-author of *Defying the Odds: The Rise of Dalit Entrepreneurs*. He argues that the upward mobility of some Dalits caused by market reforms post-1991, ironically leads to higher incidence of atrocities in the form of a backlash.

Decisive Reasons for Continuity

Our question is: why do the higher castes continue to practice untouchability, and discrimination in social, cultural, religious, political and economic spheres. The reasons for widespread practice of untouchability, discrimination and atrocities as well as violent reaction by the higher castes are to be found in their continuing belief and faith in the sanctity of the institution of caste and in untouchability. The traditional Hindu social order continues to govern the thought process and behavior of the large majority of Hindus in rural areas. The provisions in the Constitution and law are secular and equal but the customary rules of the caste system and the

institution of untouchability are based on the principle of inequality in social, economic, cultural and religious sphere. This obviously brings a conflict between what is contained in the constitution and law, and what is contained in the traditional customary rules, norm, and values of the caste system and untouchability.

"Some of the major causes of atrocities and other offences against Scheduled Castes and Scheduled Tribes are related to issues of land and property, access to water, wage payments, indebtedness and bonded or forced labour. Issues of human dignity, including compulsion to perform distasteful tasks traditionally forced on Scheduled Castes, and molestation and exploitation of dalit women are also involved. Caste related tension is exacerbated by economic factors, which contribute to violence. It is the assertion of their rights, be they economic, social or political, by the Scheduled Castes and Scheduled Tribes and their development, which often invite the wrath of the vested interests. Disputes during elections, animosity due to reservation, jealousy due to increasing economic prosperity, violence related to the process of taking possession and retaining Government allotted land, tension due to refusal of SCs to perform tasks such as disposal of dead cattle or cutting umbilical cord, are manifestations of the resentment of the high caste against increasing awareness among Scheduled Castes, assertion and prosperity among the SCs. Like land, water is another sensitive issue. Accessibility of drinking water and water for irrigation and disposal of water removed from water logged areas become issues that can trigger off atrocities on SCs. Castiest favor during religious and social ceremonies, disputes arising during



sowing and harvesting operations, and removal of crops from the granary after harvesting, have also been known to cause tension. Increasing awareness and empowerment of SCs, manifested in resistance to suppression, also result in clashes".

Human Rights Under Hindu Social Order-in Ambedkar's View:

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 and fraternity - the values which formed the basis of universal human rights - but on the principle of inequality in every sphere of life. In Ambedkar's view, the doctrine of inequality is the core and heart of the Hindu social order. It leaves no difference between legal philosophy (and law) and moral philosophy (morality). (Ambedkar 1987 first published, Deepak Lal, 1988). The three unique features of the caste system need to be understood.

These features imply that the Hindu social order is based on three interrelated elements, namely predetermination of social, religious and economic rights of each caste based on birth; the unequal and hierarchical (graded) division of these rights among the castes; and provision of strong social, religious and economic ostracism supported by social and religious ideology to maintain the Hindu social order.

In this framework the concept of "human rights" under the Hindu social system takes on a specific meaning. Unlike other human societies, the Hindu social order in its classical form does not recognize the individual and his distinctiveness as

the center of the social purpose. The unit of the Hindu society is not the individual. Even the family is not regarded as a unit of society except for the purposes of marriages and inheritance (Ambedkar 1987, first published). The primary unit of society is caste. There is no room for individual merit and the consideration of individual justice. Rights that an individual has are not due to him personally; it is due to him because he belongs to a particular caste. Similarly, if an individual suffers from a lack of rights, it is not because he deserves it by his conduct. The disability is imposed upon the caste and as a member of the caste that is his lot.

The other implication is that, the caste system also involves the principle of rank and gradation, in so far as the rights increase in ascending order from untouchable to Brahmin. It is a hierarchically interlinked system. In this framework castes are artfully interlinked with each other in a manner such that the right and privileges of higher castes become the disabilities of the lower castes, particularly the untouchables. In this sense, in Ambedkar's view the caste in a single number cannot exist. Caste can exist only in plural number. There cannot be such a thing as caste as a singular phenomenon. So one has to look at the castes as a system, where each is interlinked with other in unequal measures of social, religious, economic relations and rights.

Conclusion:

In my view, the strength required to face the tyranny of Hindu castism comes from the Universal Declaration of Human Rights. It is imperative to build a strong international network to support the Human Rights Movement among the



Dalits of different cultural, political, religious and linguistic groups through education on Human Rights. By being united for Human Rights we can organise Dalits. This should be a priority declaration for each one of us to empower people to gain their legitimate rights through Human Rights Movement. Though casteism is unique and peculiar social phenomenon, it cannot be justified as a particular cultural problem. All violence against Dalits and violations of Human Rights of Dalits came under the preview of the Universal Declaration of Human Rights - which the United Nations insist is really universal and applicable to all countries irrespective of their particular cultures. To me, Dr. Ambedkar is The true champion of Human Rights in India, and pioneer of human rights advocacy.

When Baba Saheb said "educate" I am sure it is in broader sense of providing a Humanistic education, not merely academic, an education of life, which will make Dalits restless or to agitate and to unite. The problem of Dalits, who are divided on the basis of occupation, community, culture, language, etc. can be resolved if the Dalits have learnt that we are human beings first, and we have to respect our fellow Dalits who are born as human beings and the paradigm of relationship is respect for human dignity and the paradigm for growth is respect for (human) dignity of labour, which is naturally found in every Dalit Village. Prof. Kancha Illaiah yesterday pointed out that a Dalit village portrays equality centered productivity, an embryonic creativity, human values, a democratic civil society - all of which need to be strengthened.

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