CHAPTER - IX
CONCLUSION AND SUGGESTIONS

9.1 CONCLUSION:

The Dalits (also known as untouchables, Harijans or Scheduled Castes) have historically been poor, deprived of basic human rights, and treated as social inferiors in India. They still face economic, social, cultural, and political discrimination in the name of castes. Centuries of this hidden apartheid that has perpetuated discrimination and denial of their human rights, has resulted not only in Dalits representing a disproportionate amount of the poor in India, but also in the creation of numerous other obstacles that Hindu Dalits ability to change their situation.

Gandhi first recognized the Dalits struggles and brought them to the attention of the Indian national government in the 1930s. The concerned for Dalits led to a more radical movement headed by Dr. B. R. Ambedkar. Gandhi viewed “the Dalits problem” as a social one, whereas Dr. Ambedkar saw it as a political and economic problem created by upper castes. When Dr. B.R. Ambedkar became the first law minister, he created Progressive Legal Reforms and incorporated these reforms into the Constitution.

The Dalits (Broken people) compose this untouchable society. The term “Broken” has meant oppression for many radical Dalits who have used the term in their struggle for liberation. Gandhian liberals referred them as Harijans (children of God) and the government of India officially
calls them “Scheduled Castes”. “Scheduled” means they are on a
government scheduled that entitles them to certain protection and
affirmative actions.

For centuries Dalits were not treated as part of the main stream Indian
society, and they were traditionally assigned menial and degrading jobs and
some traditional roles, such as removing dead animals or playing drums at
religious ceremonies, are expected to be carried out without compensation.
Despite protection in the Indian Constitution (see Article, 39, 41 and 16
(Sections 2 and 4), attempts by Dalits to be treated fairly in the work place are
often countered by violence and social or economic boycotts by the other castes.

Although the concept of untouchability was made illegal after Indian
gained independence in 1947 the persecution and alienation of the Dalits has
not stopped. Infact, it is reported to be at an all time high. Entire villages in
many Indian States are segregated by caste with intent to keep Dalits away
from higher castes. For example, it is common in many rural areas to have a
designated area called “Dalit Street” which is the only place Dalits are
allowed to live. Dalits typically live in location more distance from village
roads, an indication of segregation and a reminder of their untouchability.

Dalits are not allowed to fetch water from the same wells used by
higher castes, visit the same temples, drink from the same cup at local tea
shops or claim land that is legally theirs. Dalit children who attend school
must sit in the back of the class rooms. Moreover, the villages where Dalits
live have limited no access to public transportation health care, or educational, political, or legal institutions.

Dalits make up approximately 170 million of India’s billion people (minority rights group international, 2006). Many are agricultural labourers. They have a limited share in its litigated land holdings.

In education, it is often argued that the quality of education in public schools in adequate compared to private schools. The poor quality of education, especially in rural areas, can be attributed to inadequate infrastructure, lack of accountability of teachers to local community. Of all Indian children, Dalit children suffer the most. For example, school attendance in 1998-1999 was 65.7% for Scheduled Caste children for Scheduled Caste children age 7.17 compared to 81.30% for higher caste children (Jenkin and Barr, 2006). Furthermore, the completion rate of five years of schooling for Scheduled Caste from 2002-2004 was 34% compared to 44% for higher castes (Jenkin and Barr, 2006).

In employment opportunities, although outlawed approximately two thirds of bounded labourers belong to Dalits. Of the 40 million bonded labourers in India. 15 millions are children, and women and children are primarily engaged in “civic sanitation work” (i.e., manual scavenging even though this has been outlawed) and of the 1.3 million Dalits employed as manual scavengers most of these are women Dalits whose duty is to clear human excitement from dry pit latrines.
In lack of civic facilities, and atrocities pertaining civil facilities or limited access to facilities in Dalit localities. For example, in Central State of Madhya Pradesh an entire village was set on fire by a mob of 300 people resulting in the death of 3 Dalits. In the Southern States of Tamil Nadu and Andhra Pradesh, the dead bodies of two aged women were held on the pathway, because of disputes regarding access to the segregated Dalit burial ground in Neelima, 2002.

In response to India’s failure to provide economic and social rights, young Dalits in the late 1960 took inspiration from the Black Panther in until stage and Dalit panthers emerged as a militant political organization. A more recent Dalit political party that emerged on the national front in the Bahujan Samaj Party (BSP) and their efforts have shown minimal success. Dalits are still victims of human rights violations.

From 1980 to 1966, Dalits to support of small Non-Governmental Organizations (NGOs). Such as the Chennia (Madras) based Dalit liberation education trust and volunteer in services to India’s oppressed and neglected. Dalit advocates finally gained international attention in 1996 when the committee on elimination of Racial Decimated (CERD) criticized India for its lack of protection of Dalit human rights.

Dalits claim that their Economic, Social and Cultural (ESC) Rights as well as their civil and political rights, are recognized human rights have been violated by the government and its entities for centuries. They argue that the government should recognize and enforce ESC rights. Furthermore, they contend that violations should be punished.
To overcome historical discrimination of Dalits, India has taken several steps to prohibit the practice of untouchability. These steps include Constitutional guarantees legislative enactments, and policy measures.

The Indian Constitution, in its bills of rights guarantees all citizens basic civil and political rights and fundamental freedoms and the Constitution has special provisions prohibiting discrimination based on caste. These provisions are found under the right to equality (Articles, 15, 16 and 17). The right against exploitative (Article 23) cultural and educational rights (Article 29-2) and Article 330 and 333 permit Union and State legislatives to reserve seats for members of the Scheduled Castes and Scheduled Tribes and Article 338, mandates the creation of a national commission for Scheduled Castes and Scheduled Tribes to monitor safeguards provide to them. The Constitutional provision pertaining to Scheduled Castes, India has passed various laws to protect their rights.

Lack of access to agricultural, land for cultivation is a major barrier to progress among Dalits. They become economically vulnerable, their depending is exploited by upper and middle caste land lords their lack of political power leads to abuses by the police and politicians.

The government implemented the “Reservations” policy to create job opportunities for Dalits and others disadvantaged groups. However, the reservation system has only minimally benefited the Dalits. This is partly because the system applies only to the government sector. Moreover, the system is reported to the flawed, because many jobs are left unfilled, because
of a lack of commitment on the part of a government of dominated by upper caste politicians.

The existence of many legislations such as the Protection of Civil Rights Act, 1955, the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Constitution of India, even today the problem of untouchability, injustice, inhuman treatment, exploitation, on the members of Scheduled Castes and Scheduled Tribes are continuing and the rate of condition is only less than 2%. There is need to enforce the laws.

The development measures with regards to the weaker sections can be further clubbed under educational benefits, financial intervention and liberating activities. To ensure the proper implementation of the development programmes, the ministry social justice and empowerment, earlier known as Ministry of Welfare was entrusted with task of economic welfare, social justice and empowerment of disadvantaged and marginalized sections of society viz., Scheduled Castes and Scheduled Tribes. The Scheduled Castes development bureau was created within the ministry, to deal with all matters related to their development. Even a cursory glance at these schemes reveals that the theory underlying these schemes in particular and reservation in general, was compensatory discrimination in favour of the weaker sections political motivation behind the protection of these schemes was to open the path to social mobility, which had been so far closed to members of the weaker sections by the
historical and social denial of access to Scheduled Castes and Scheduled Tribes the opportunity for education which is the key to social mobility.

These schemes and provisions addressed the specific needs of different categories within the weaker sections. For example, the national schemes of liberation and rehabilitation of scavenges and their defendants has specific and definite provisions such as (1) the prohibition of employment of manual scavengers and construction of dry latrines (2) the regulation of construction and maintenance of water seal latrines (3) schemes for the rehabilitation of manual scavengers. Legal measures with one can identify at least 3 key legal measures for the protection of the rights of the Scheduled Castes and Scheduled Tribes. The first one is “the Protection of Civil Rights Act, 1955” (formerly known as Untouchability (Offences) Act 1955) which was enacted in line with Article 17 of the Constitution. By this Act ‘Untouchability’ was abolished and its practice in any form was forbidden under the threat of punishment. Then Act clearly and categorically States that denial of cur to members of Scheduled Castes in to public utilities and places of assembly is an offence and calls for punishment.

The second legal measures was the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 which came in to force from January 1990. The Statement of objective spells out the reasons behind the introduction of this Act. “Despite various measures to improve the socio-economic conditions of the Scheduled Castes and Scheduled Tribes, they remain vulnerable. They are denied of civil rights. They are subjected to various
offences indignities, humiliation and harassment. They have in several brutal incidents, been deprived of their live, and property. Serious crimes are committee against them for various historical, social and economic reasons”.

The third legal measure is the Constitution of the national commission for Scheduled Castes and Scheduled Tribes, which was established in 1990 with wide ranging powers and functions. With wide ranging powers and function. With the human rights approach becoming a dominant discourse with in civil society. The national commission for Scheduled Castes and Scheduled Tribes was constituted to address specific rights of the weaker sections and also to protect their rights from being violated.

The positive discrimination measures, usually known as the provisions of reservation, are seen as the main stay of Indian democracy. There are three types of provisions under the discrimination (a) reservation in the educational institutions (b) reservation of services and posts in the government services (c) reservation of seats in the legislatures. Historically speaking, the untouchables were denied access to education. Since, they were economically deprived too, they could not access education even if they wanted taking this reality into account. The education department of government of Bombay in 1885 decided to reserve 50% of free scholarship for Muslims and backward caste Hindu.

Dr. B. R. Ambedkar submitted a memorandum demanding reservation for the Scheduled Caste in services, and scholarships and financial aid for the promotion of their education. The government accepted the recommendations,
and in 1943 reservation in services in favour of the Scheduled Castes became effective. Further, the Simon Commission recommended that in all eight provinces there should be some reservation of seats for the depressed classes on a scale which will secure a substantial increase in the number of members of legislative councils drawn from the depressed classes.

Education has long been identified as key to achieving the advancement of the Scheduled Castes. In line with Article 15(4) of the Constitution, which empowers the State to make special provisions for the educational development of Scheduled Castes, the Indian government currently allows the reservation of 15% of seats for Scheduled Castes in conservation and colleagues. This policy covers enrolment in various programmes.

Dr. Ambedkar to the emancipation and liberation of India’s weaker sections is immeasurable. He had argued

“there shall be no disabilities attached to anyone on the ground of his being a member of the depressed classes in regard to any elections to local bodies or appointment to public services. Every endeavour shall be made to secure fair representations of the depressed classes in these respects subject to each educational qualifications as may be laid down for appointment to the public services”.

Dr. B. R. Ambedkar’s prophetic words caution every Indian to must enough political will to ensure the rightful place and role of weaker sections.

“We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy what does social democracy mean? It means a way of life, which recognize liberty, equality and fraternity as the principles of life. On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality. We must remove this contradiction at the earliest movements, or else those who suffer from inequality will blow up the structure of political democracy which this assembly has so laboriously built up”. 
Progressively, it is becoming clear that all those who are involved in the emancipation of the Dalits need to understand the council fact that there is a mix of two interrelated phenomenon. On the one hand, many Acts, Schemes and Provisions are formulated for the Dalits. But on the other hand, these are not implemented. This fundamental fact has to be understood so as to evolve mechanisms to address the structural lacuna in the planning and implementation. Moreover, carry out a campaign against the caste system itself so as to liberate the Dalits from the evil consequences of the caste system.

9.2 SUGGESTIONS:

General Suggestions:

1. With the view to maintaining their caste supremacy. The dominant caste resort to even stealing the assets of Dalits and thereby make them economically dependent.

2. The police have not been sincere when it comes to the case of caste discriminations or atrocity against Dalits. In general, they never consider these issues seriously and often do not register such cases.

3. The Dalit victims have to support of NGOs and fellow caste leaders to get their cases registered under the PCR or POA Act.

4. They either delay or do not register the case at all. Even if a case is registered they do not investigate case properly. Instead they only threaten the complaint and mislead them.
5. It is the duty of the policy they do not bother to produce the witnesses before the court in time.

6. They expected money from the victims to pursue the case and from the accused to acquit or settle the case out of court. Bribing is prevalent at every State of the case.

7. Even the court is not free from caste prejudice. Being members of upper castes most of the judges and advocates themselves approach the accused and suggest as to what should they do to get their cases acquitted.

8. They should provide the POA Act has provision of allowance for food, travel and medical care both for victims and their witness and the victims themselves meet all expenses and filling a case under the POA Act is often considered a financial loss for the victim. And allowances should be easily accessible and made available timely to the victims and their witnesses.

9. The provisions of the POA Act were violated with in the court itself by the staff themselves. This put the credibility of the court at stake. There is serious matter to be attended on a priority basis judges and court staff may be sensitized on issues concerning to the Dalits.

10. The Dalit in general not even area of the POA Act. The government has not made a sincere efforts in letting the people in general and the Dalits in particular know these Acts and their various provisions. Therefore, the government may initiate special programmes to make people aware of such laws and their uses.
Specific Suggestions:

1) There are various provisions for the Dalits in the Indian Constitution, but they fail to implement them and for free and compulsory education for their children.

2) Legal provisions to uphold the Constitution mandate, the States have enacted various legislative measures intended to ensure equal rights, social discrimination and various form of violence and atrocities, and provide support services, especially working women.

3) Judicial punitive must be conditioned by the philosophy of reform into remedial sentencing sublimited.

4) There is an important area of criminal justice, where medico-legal coalition is must related to abnormal offenders.

5) Judges must have sentencing options, if they are to be functionally successfully, court must have the power to order compensation and damages in appropriate cases.