PREFACE

One of the significant features of the Indian Society is the prevalence of the ‘Caste System’, which is based on the notions of purity and pollution. As a matter of fact, Hindu Social Order has based on two pillars, viz., Caste System and Untouchability. For a variety of reasons Hindu social order permitted and acknowledged the prevalence of the same which is the greatest social crime against Humanity. This is a situation where the social system directly conflicts with universal values. Caste System divides the people into two categories inferior and superior castes and accords them lower and higher status respectively. Further, caste system divides the people into four Brahmins, Kshatriyas, Vaishyas, Shudras or untouchables and each one is placed over the other. In social terms, it is highly stratified and heterogeneous society.

The Untouchables, the present day Dalits, have to suffer by innumerable types of oppressions and suppressions. They have been denied their appropriate share in the assets of the society. Although, outside the pale of the Varna System, the Dalits constituted a vital segment of the population in that, they performed most of the manual, unskilled and unclean occupations. They were involved in the jajmani system (Patron-Client) system, which provided the economic foundation for the caste system, the Dalits served upper castes as leather workers, sweepers, scavengers, village messengers, and the like. As a matter of fact, the Dalits, were prohibited from learning the Vedas and other holy texts. They were in fact not allowed to acquire any kind of education. These people were segregated from the rest of the community, they lived on the outskirts of villages and towns mostly in the houses made up of mud and thatched roof. The history of the Dalits in the caste-ridden society in India is a history of continuous suffering and oppression. They suffered from multiple deprivations and were the victims of cumulative domination. There is a glaring socio-economic inequality between one caste and another caste. The Hindus at upper strata are deeply concerned with Purity and Pollution Line.

More than one-sixth of India’s population around 170 million live in a precarious existence, looked down upon by the high society because of their rank as Dalits. The Dalits were discriminated, denied access to water resources and land, forced to work in degrading conditions, and routinely abused at the hands of the higher and dominant castes. Most of the Dalits continue to live in acute poverty without land and other
opportunities for employment or proper education. With the exception of micro-scopic class who have benefited from the protective discrimination policy in government jobs and education, Dalits are relegated to the most menial jobs as manual scavengers, removers of human waste and dead animals, street sweepers and cobblers. Their women folk is subjected to triple exploitation i.e. caste, class and gender. Being Dalit and being women always suffer from gender-based inequalities and subordination. This is the living reality, which we witness in our society.

The Government enacted a number of legislations with that of Constitutional provisions viz., Protective, Welfare and Developmental for the empowerment of the Dalits. But millions of Dalits are not privileged to these provisions enshrined in the Constitution. They are powerless to participate in the decision-making process. The evidence suggests that they cannot dare to ask for justice or for just wages, for that matter, they cannot exercise their rights. In other words they have no right to live as human beings with the provision of basic needs-Food, Clothing and Shelter in their own land. They are treated as subordinate citizens of the country. Post-independent India saw the launching of systematic efforts for uplifting the Dalits. The last 50 years have witnessed a growing concern for the degrading socio-economic conditions of the Dalits. Also serious efforts to help these people to overcome their handicaps have been mounted. However, only a slight improvement can be discerned in the life conditions and chances of Dalits. But even a slight improvement has become a bone of contention. The mobile Dalits are being deliberately attacked by the dominant sections of our society. Whenever the Dalits have tried to organize and assert for their rights, there has been a backlash from the feudal lords resulting in mass killings, gang rapes, looting and arsoning etc., of Dalit localities villages.

Such a Social System leaves no scope for Social mobility and individual choice of occupation, which results in, the Dalits being vulnerable to atrocities and resultant violation of their basic fundamental rights. The protective components of the Government’s policy as detailed hereunder are vitiated on account of the politicians inability and indifference in checking the violation of human rights of the Dalits. The studies, surveys and reports reveal the actual magnitude of the violation of fundamental rights of these people.
However, India is committed to protect the interests of the weaker sections of society i.e., Scheduled Castes and Scheduled Tribes. To create an egalitarian society in India we have an action plan in the Constitution. And it is through our Constitution we have been working to establish a society free from exploitation from independence. The articles incorporated in the Constitution have the bearing on the protection of liberties of the citizens in general and interests of the Scheduled Castes and Scheduled Tribes in particular. To name a few - 1. Right to Equality (Articles 14, 15, 16, 17, 18), 2. Untouchability is banned (Article 17), 3. Right to Freedom (Articles 19, 20, 21, 22), 4. Right Against Exploitation (Articles 23, 24), 5. Right to Freedom of Religion (Articles 25, 26, 27, 28), 6. Cultural and Educational Rights, Protection of interests of Minorities (Articles 29, 30). Articles related to reservation to Scheduled Castes and Scheduled Tribes (Articles 330, 332, 335, 338, 339 & 340).

In addition to the above, protective components Government enacted a few laws to protect and prevent atrocities against Scheduled Castes and Scheduled Tribes. “Untouchability Offences Act” was enacted in 1955. Subsequently nearly two decades later, this Act was reviewed in order to make it more stringent and effective, and the ‘Protection of Civil Rights Act’ was enacted in 1976. According to this Act, discrimination against the Dalits in schools, colleges, temples, hostels, hospitals, water resources was banned. Since ‘Protection of Civil Rights Act’ did not cover all cases of atrocities, vital step to prevent atrocities was taken by the enactment of another law, viz., the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989 in order to prevent atrocities against these people. This Act specifies eighteen types of atrocities for penalty. After enactment of the Act, the Ministry of welfare, became the nodal Ministry for matters relating to Scheduled Castes and Scheduled Tribes. In spite of all these legislations, exploitation, discrimination and marginalization of the Dalits occupy the central stage of Indian reality.

Thus, this work is an attempt to study this situation and offer suggestions to curb the Atrocities against Scheduled Castes and Scheduled Tribes.