Conclusion

The discourse on dalit rights is of the critical area of contemporary concern. It is more critically conversed in the wake of growing atrocities against the historically deprived groups. Dalit human rights has become an international issue and organizations like Human Rights Watch, Amnesty International, Minority Rights Group and Anti-Slavery International are making dalit Human Rights a priority issue and are concerned to raise the issue internationally in UN bodies governments and the public at large.

For the most part, the international community, particularly the general public residing outside of India, is unaware that untouchability and other forms of caste discrimination are still practised in India. However, in recent years an increasing number of human rights organizations and bodies are coming to recognise untouchability and caste discrimination as a gross human rights violation.

Since Caste still operates as a defining condition in marital and rituals aspects of social life and social relations, it also determines the access to employment. It is in reason that millions of dalits and other former low-caste people are lagging in education, employment and access to wealth. Although untouchability and casteism is banned in India, discrimination is widely practiced, and statistics draws the logical conclusion that there is a broad correlation between one's economic state and one's position within the caste hierarchy.

The government may boast of economic progress and grand new development schemes, such as highways joining major cities or plans to interlink major rivers, but it has failed to address issues like education, caste and gender discrimination and the rural-urban gap. The result is continued upper-caste dominance in professions, business, and culture.
Dalits continue to face the wrath of the caste lords and are denied of human dignity and their rights including a just share in the resources like land, water, mines, aqua resources, etc. The indigenous people continue to fight for their identity and dignity. Their right to a decent dignified life is under severe threat.

**Dalit Human Rights and Atrocities**

Violence against dalits has its distinctiveness of being embedded in the social structure of the dominated by the upper caste. It is the caste-based hierarchical structure that lays down the norm of conduct for human relationship between its more privileged groups and the subdued and subordinate ones. The report also says, "it is the caste relationship in Hindu society which is getting disturbed by forces of pressure both from above and below. The frequency and intensity of violence is an offshoot of desperate attempts by the upper caste groups to protect their entrenched status against the process of disengagement and upward mobility among lower castes resulting from affirmative action of State policy."

The ground has thus been made more fertile for tension and unrest to grow in many parts of the country. The situation has also turned ripe for communal and casteist forces to sow the seeds of division and discord and indulge in violence. Dalits, being the most vulnerable of the poor are the worst hit, with atrocities against them continuing in a number of states. The violence takes brutal forms and turns into acts of atrocities against the whole group of people, such as massacre, rape, burning of houses and through more subtle methods like social boycott, which intended to block their access to basic necessities and services.

Whenever such atrocities against dalits involving loss of life and property are reported, human rights and dalit activists complain that the police are generally reluctant to file cases under the stringent provisions of the Atrocities Act. They generally book cases either under the Indian Penal Code (IPC) or at best, under
the Protection of Civil Rights (PCR) Act, 1955, much milder than the Atrocities Act. This often results in the culprits going scot-free. Leaving the culprits scot-free is in a way arming them which in fact gives them more confidence and courage to carry on such activities without any difficult in future.

The Atrocities Act was enacted mainly with the intention of giving more teeth to the earliest Untouchability (Offences) Act, 1955 (amended and renamed as PCR Act), and for creating a deterrent against physical violence. The Act brought new types of offences under "atrocities" against dalits by the non-dalits and provided for more rigorous punishment for the guilty.

More importantly, the Act also covers policemen and enforcement authorities who fail to protect dalits from atrocities. It empowers special courts to extern "political offenders" from scheduled areas and tribal areas and attaches the property of an offender, and prohibits the grant of anticipatory bail to the potential accused. It also provides for the payment of compensation to victims of their legal heirs.

Power is another major ground leading to mass scale atrocities against Dalits. Power particularly in terms of political power through reservation and other policies of compensation had resulted in drawing hatred from the upper caste segment. This has widespread in rural areas particularly with the awakening of dalits at the Panchayat level.

The important factor, which has contributed to the dalit situation vis-à-vis the Panchayat system, is the nature of Indian society, which of course determines the nature of the state. The Indian society is known for its inequality, social hierarchy and the rich and poor divide. The social hierarchy is the result of the caste system, which is unique to India. Therefore caste and class are the two factors, which deserve attention in this context.
There has been a sharp increase in violent manifestations of casteism in local communities ever since the local government system got strengthened through the Constitution amendments. When the Panchayati Raj institutions have been seen by the upper castes as the tool for the lower castes to assert their right as individuals living in a democratic polity the latter have become targets of caste based discrimination and violence. This rising unrest at the local level has become a common phenomenon.

It is evident that the upper castes that have been controlling the affairs of the village and the community and the rural economy cannot tolerate the changes that are being brought about by the decentralized democratic institutions. Therefore, from the beginning of the implementation of the panchayat system, tensions, violence and killings have taken place in order to resist the transformation.

The elections to the local government bodies have been the first and foremost point of attack by the casteist groups. From the very first election under the new system, the rights of the lower castes to participate in the democratic process and hold positions were questioned by the upper castes. These kinds of violations continue unabated even today. The local body election in the same state the upper castes suppressed the rights of the lower castes to exercise their franchise. Similar incidents have occurred in most of the states. The northern states, which are prone to more caste conflicts, are witnessing human rights violations after the introduction of the new phase of Panchayats. There are a number of instances indicating the presence of powerful caste elites that continue to thwart attempts for a constitutional resolution of social justice issues at the village level. The frequent reports on the killings of dalit men, women and children are not only restricted to backward states, where the process of decentralization of power to the local level has not really taken off. Caste violence is part of the social reality.
Even after duly getting elected, the dalits are not getting the power and status they deserve. They are made to sit outside the Panchayat offices, on the floor while the traditional village headmen occupy the chairs. Even when upper caste groups are committing atrocities against the dalits, the latter do not have a supportive redress mechanism. It may also be mentioned that the police (law and order machinery) is not under the authority of Panchayats. The people belonging to the lower castes are being subjected to unabated atrocities particularly through the connivance and collusion of the state administration and the local police. In many instances, cases are not even registered against the perpetrators (who are mainly the upper castes) by the police who are greatly influenced by the upper castes or majority of whom belong to the upper caste.

Another ploy to make caste hierarchy acceptable to all was the strategy of introducing an extensive system of 'graded inferiority', providing everyone with an inferior grade immediately beneath them. How could the Dalits leave the gods and goddesses of the upper caste and worship their own? Is it not against their caste rule? Such aspects are also supplementing to the list of atrocities.

It is also seen that the due to Land Rights the atrocities on dalits especially in rural areas has been increasing day by day. The implementation of land reforms has been subverted by the absence of political will and bureaucratic commitment, loopholes in the law, tremendous manipulative power of the landed class, lack of organization among the poor and excessive interference of courts. Therefore the intended benefits to the poor in general and particularly the dalits failed to materialise. From various studies and reports yet another reason for the failure of land reforms is the failure to update land records in all states. In addition to this tardy implementation of legal and legislative initiatives, judicial delay in setting up disputes, inadequacy of the laws and so on had contributed a lot in affirmation of dalit land rights in India.
Discrimination, deprivation, exclusion and exploitation are endemic to every society, which leads to frustration, anger and aggression. Those who are subjected to injustice and oppression tend to rebel and revolt. These reactions culminate in assertion which give rise to people’s movements. But social movements are not an everyday phenomenon. Discrimination and deprivation always do not lead to protest and aggression. Only when people become conscious of these inequalities and injustices and mobilize and organize themselves to struggles against those who subject them to servitude and bondage, people movements takes place. Moreover when the disadvantaged and the downtrodden see that another alternative is both possible and viable they try to overthrow the existing social order.

The question of Dalit Human Rights is not just a matter of addressing the atrocities, but at large it corroborates to the affirmation of land rights of dalits, resisting the forces of globalization, communalism, casteism, patriarchy and so on. This paves the way for collective action. Collective action leading to people’s movements results in social change. This is the ethical course of addressing Dalit human rights.

The expositions in the preceding chapters clearly indicate the limits of the national institutions, like the National Commission for Scheduled Castes and Scheduled Tribes, in protecting the rights of the disadvantaged groups. In fact, these institutions replicate the overall dynamics of society and politics.

As discussed earlier in the chapter-III, The National Commission for Scheduled Castes and Scheduled Tribes (NCSCs/STs) monitors the implementation of the Act. The NCSCs/STs only reports to the Central Government, although it primarily monitors compliance to the POA in the states. The NCSCs/STs have state offices that report to it, but those are vastly understaffed and only have an advisory relationship to the state legislatures. Such a monitoring system depends
on the central government's commitment to Dalit rights for enforcement of the recommendations. The sorry record of the POA is ample evidence that this commitment is lacking. There are various reasons behind the sorry figure of the National Commission. The role of the Central Government, The apathy of the Police Administration towards dalits (Not registering proper Section etc), the role of the State Government, (having not proper representative body).

As discussed in the chapters III & IV, the National Commission for Scheduled Castes and Scheduled Tribes are interfaced with the multi-pronged challenges and limitations- starting from the limited competence to the operational dynamics of politics.

Given the constraints of the working of the National Commission for Scheduled Castes and Scheduled Tribes, it is a prerequisite to revisit the entire context of the constitutional instruments and mechanisms for the protection of Dalit rights. There is need to make these institutions more competent and effective. However, one cannot undermine the entire context under which these institutions work. The exclusion and discrimination still continue as major hurdles towards the full enjoyment of citizenship rights and inclusive form of citizenship in India. Besides strengthening the competence and role of the Commission, it is essential to create enabling condition towards greater realization of the objective of the protection and promotion of dalit rights. The civil society could play important role in this regard.
FINDINGS:

The Role of the Police

Although the root cause of atrocities on SCs and STs is their socio-economic condition, the on the spot enquiries conducted by the Commission revealed that atrocities were also committed by those very Functionaries who were expected to protect them. Such cases included death in police custody, police firing and torture by the police, rape by the police and other crimes and incident of atrocities, which occurred on account of lapses on the part of the police. Delay in registering FIR, investigation of the case, arrest of the accused, non-application of relevant section of the PCR Act and PAA and delay in presentation of challan in the court show lapses on the part of the police in dealing with the cases of atrocities. There is an urgent need for the setting up of special Police station, helps in prompt registering of crimes committed against SC and ST and create a sense of confidence among them. Although such special police station have been set up in some States, their working is far from satisfactory. Such police station are not adequate and do not have proper staff and facilities to function effectively.

Disposal of cases registered under the PCR Act and the PAA

The twelfth Annual Report of the Ministry of Welfare on the implementation of the protection of Civil Rights Act for the year 1991 provided the latest information about the desposal of cases registered under the Act by the police and courts during that year. It is observed that disposal of such cases during 1991 has not been satisfactory. The high rate of pendency of cases in the courts under the PCRA during 1991 and atrocity case during 1990 is also a matter of deep concern. The more important fact is that, the rate of conviction is very low. Out
of 236 cases in 1990, the rate of conviction was only 9.3% (only 22 cases) and this trend is yet exist. As has been discussed earlier, Special courts to exclusively deal with atrocity cases have not been set up by the States/UTs except Andhra Pradesh and Rajasthan and designating some of the Sessions Courts as Special Courts to try atrocity cases along with their normal duties does not serve the purpose. For speedy trial and prompt disposal of cases it is high time that special court be set up by all the states/ UTs exclusively to deal with atrocity cases. It is also highly regrettable that more than 90% of the PCRA and PAA cases taken up for trial by the courts ended in acquittal. In the absence of any specific study it is not possible to state the factors and forces responsible for these dismal states of affairs. However, delay in investigation and challaning of cases by the police and delay in trial of cases in the courts weaken the cases and may be one of the factors in determining the outcome of the cases.

The Role of the Central Government

Implementation of the provision of the PAA is the responsibility of the State Government and the Central government is required to coordinate measures taken by the State governments. Under section 21 (4) of the Act the central Government are required to place on the Table of each house of Parliament every Year a report on the measures taken by them and by the state government in pursuance of the Provision of this Section. Section 23 of the Act enjoins that the Central Government shall make rules for carrying out the purpose of this Act. Although the PAA was enacted in September 1989, no stringent rule so far been notified.
A Way Forward

For many, the dalit problem appears to be intractable, but Human Rights activists and social reformers take courage and hope. This was overcome through a combination of legislative measures and social development.

Any Nation can progress only when dalits are developed at par with other section of the society. Awareness should be spread among dalits and they in turn protect their rights against exploitation and pressure the government to safeguard their rights and implement welfare measures.

Media should play a pivotal role and act as a link between the dalits and the government for the protection and promotion of dalits human rights.

There is a need for attitudinal change among the people at large. Untouchability is crime which must be dealt with stringent measures. But more important is to create an environment of respect of the dignity and rights of the dalits.

Inequality must be reduced and legal measures must be taken to reduce inequalities embedded in the society.

The other organizations such as: (1) Dalits Human Rights Advisory Committees at the State, District, Taluks/mandal and at GPs level be constituted to involve more people in the administration, (2) Through the media of education dalit people living in the village should be made aware of the protection of Human Rights, (3) Government must ensure that its law implementing agencies work sincerely and (4) To protect dalit Human rights, serious efforts be made to end poverty, inequality and economic exploitation.

We suggest that the Government of India take immediate measures to ensure that all laws on the statute book be fully implemented both in letter and in spirit, and appoint a monitoring organization to examine why, despite the wide-scale
abuse of the rights of the dalits, only a few cases ever get registered and convictions are rare.

It is estimated that there are still 800,000 dalit women who clean toilets by hand, despite the ban on manual scavenging.

The Government of India should immediately sanction adequate funds to replace the dry latrines by those that do not require manual scavenging. If it were not possible for the Government of India to allocate these funds, we request that the funds be allowed to be donated by Non-government organization and International Aid Agencies.

The Government of India should ensure that the law and order system retains its credibility by providing adequate training to the government officers and the police, most of whom are from the upper castes.

Those who have converted from Hinduism to Christianity or Islam do not have the protection of positive discrimination. This forces many families to remain nominally Hindu and continue to silently submit themselves to extreme humiliation.

It is also to be pointed out that those dalits who have converted to other religions be extended the benefit of positive discrimination as their social and economic disability does not disappear automatically with the conversion and the present situation negatively affects their freedom of religion.

It can applaud the policies and legislation that have been adopted by the Indian government aimed at helping the dalits. In this context, despite serious disappointment over the lack of progress in the practical implementation of the law, we would suggest that much of the experience gained by the government of India could be applied to assist nations such as Japan and Nigeria where laws are still urgently needed to help address inequality.

The Indian government should now take the lead in an all-out battle against this pernicious system rooted as its own culture, religion and tradition.
Recommendations:

(1) SCs & STs (POA) Rules, 1995 should be strictly enforced. Implementations of these rules will help in prevention of crimes on SCs/STs as they will get the forums at States and district level to discuss various causes and remedies elating to the crimes on scheduled Caste and Scheduled Tribes.

(2) There should be an exclusive special court in each district for trial of cases under Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act as the regular courts which are presently being designated as special courts are already over-burdened with other cases. The atrocity cases must be tried by the special courts and they should not be sent to lower courts for trial.

(3) The F.I.R must be promptly registered in each atrocity case and investigation taken up and completed without delay.

(4) The accused should be arrested as early possible and the case challaned in the special courts. Special public prosecutor provided for in the Act, must take all necessary legal step so ensure that the evidence is effective in providing the case.

(5) The Central and State Govt, should monitor and review the working of these Acts & Rules, as provide for, and send the necessary returns & reports required to be tabled in the Parliament. It is seen that so far only few cases regarding SCs & STs (POA) Act 1989 has been submitted by the Ministry of Welfare.

Unless this problem is tackled and solved cautiously, effectively and expeditiously, the various people living in our society cannot live in peace and
harmony. The problem of commission of atrocities and practice of untouchability and its after effect have not only disintegrated the Indian society but also the nation as a whole. Therefor, this problem is required to be tackled and solved cautiously, effectively and expeditiously so that commission of atrocities of untouchability may be abolished, eradicated, prevented and minimized and our nation can be saved from disintegrated, disharmony and inhuman and heinous crimes. "Unity in diversity" is one of the basic characteristic of India.

Commission and continuation of atrocities on the Scheduled Castes due to hatred based on Caste prejudice and practice of untouchability, etc., is one of the major challenges. So a workable solution for the problem of atrocities based on caste prejudice or hate may be devised. This will promote the theme "Live and Let live" which in result would enable the weak and strong; rich and poor; backward and forward; servant and master; and Scheduled Castes and Non-Scheduled Caste person to live in peace and co-exist together with mutual love and respect.

Finally, it is urge from the international community to unite as it did against the apartheid system - in an international campaign against the persistence of caste-based discrimination: what has been described as "the worst system of institutionalized discrimination remaining on earth".