

Proceedings  
of  
National Seminar  
on

**Human Rights of  
Marginalized Groups:  
Understanding and Rethinking Strategies**



**COURAGE TO KNOW**

*Organized by*  
POST GRADUATE GOVERNMENT COLLEGE FOR GIRLS  
SECTOR - 11, CHANDIGARH  
ON  
5<sup>TH</sup> FEBRUARY 2015

*Compiled by:*  
**Dr. Manoj Kumar**

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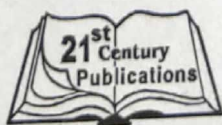
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**Dr. Manoj Kumar**

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**PROCEEDINGS OF NATIONAL SEMINAR ON HUMAN RIGHTS OF MARGINALIZED GROUPS : UNDERSTANDING AND RETHINKING STRATEGIES**

*by*

Dr. Manoj Kumar

Post Graduate Government College for Girls  
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## CRIME AGAINST DALITS AND INDIGENOUS PEOPLE AS AN INTERNATIONAL HUMAN RIGHTS ISSUE

Dr. Desh Raj Sirswal \*

*In India, Dalits faced a centuries-old caste-based discrimination and nowadays indigenous people too are getting a threat from so called developed society. We can define these crimes with the term 'atrocities' means an extremely wicked or cruel act, typically one involving physical violence or injury. Caste-related violence has occurred and occurs in India in various forms. Though the Constitution of India has laid down certain safeguards to ensure welfare, protection and development, there is gross violation of their rights such as killing, murder, torture, burning, abduction, rape and molestation. According to a report by Human Rights Watch, "Dalits and indigenous peoples (known as Scheduled Tribes or adivasis) continue to face discrimination, exclusion, and acts of communal violence. Laws and policies adopted by the Indian government provide a strong basis for protection, but are not being faithfully implemented by local authorities." Human rights issues are very often understood and analyzed from socio-political and cultural perspectives. Apart from such perspectives, the issue of human rights also can be analyzed from a strictly philosophical perspective, which implies that the idea of human rights is centered on the inspiration of human dignity. Several studies on the situation of human rights of Dalits in several parts of India show more reports on violation of human rights than on protection of them. Dalits are discriminated against, denied access to land, forced to work in degrading condition, and routinely abused at the hands of the police and higher-caste groups that enjoy state protection. For example, Dalit women are regularly subjected to sexual violence as a result of their lower caste status-often in response to their demands of basic rights. Hate crimes towards indigenous peoples is a daily reality in many countries across the globe. The challenge is to change such a dehumanized situation. The challenge is to each one of us that whether engaged in governance of the civil society or voluntarily engaged in social and economic development of society, one thing to remember is that leaving behind the vulnerable units of our society – Dalits and indigenous peoples – will not take us to a prosperous society. This paper is an attempt to study the situation of human rights of two most neglected segments of society namely, Dalits and STs as a serious international human rights issue.*

**Key-words:** *Atrocities, Human Rights, Constitutional Rights, Rights of SCs and STs.*

### Introduction

Human rights were born along with mankind. However, over the years, human rights concept

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as such has gone through a set of transformation. Needless to say, in the present times, human rights have become more and more relevant. There are various dimensions of human rights out of which only civil and political rights were focused upon for a long time. However, today the economic, social and cultural rights are also being given prominence. As such the human rights in the broader sense have paved the way to new laws, charters and covenants. Notwithstanding this, in the changing national and international context as a result of globalization, there has been a serious threat to human rights. One of the ways by which this threat could be met, is by bringing human rights education at all levels of education.<sup>1</sup> Human beings have to make far more conscious effort to alter the world reality considering the recent changes in the global scenario, including massive violation of human rights.

India is a democratic country. "Democracy, development, cultural pluralism, and preservation of human rights are interdependent. Democracy is not a mere form of government: it is a set of values and a way of life that ensures respect for everyone's identity, choices, capacities, and abilities."<sup>2</sup> India is committed to the welfare and development of its people in general and of vulnerable sections of society in particular. Equality of status and opportunity to all citizens of the country is guaranteed by the Constitution of India, which also provides that no individual shall be discriminated against on the grounds of religion, caste or sex, etc. Fundamental Rights and other specific provisions, namely, Articles 38, 39 and 46 in the Constitution of India stand testimony to the commitment of the State towards its people. The strategy of the State is to secure distributive justice and allocation of resources to support programmes for social, economic and educational advancement of the weaker sections in general and those of Scheduled Castes and Scheduled Tribes in particular.<sup>3</sup> "The idea of human rights is one of the most pervasive features of our political reality. The concept is in vogue and perhaps all the modern nation-states have tried to formulate their own institutional rights, which may not or may relate to human rights. Even though with such political concern there has been lack of consensus and too many controversies surrounding human rights."<sup>4</sup>

### What is Caste-based Discrimination and Dalits?

Historically the caste system has formed the social and economic framework for the life of the people in India. In its essential form, caste as the system of social and economic governance is based on principles and customary rules that:

- Involve the division of people into social groups (castes) where assignments of rights are determined by birth, are fixed and hereditary.
- The assignment of basic rights among various castes is unequal and hierarchical, with those at the top enjoying most rights coupled with least duties and those at the bottom performing most duties coupled with no rights.
- The system is maintained through the rigid enforcement of social ostracism (a system of social and economic penalties) in case of any deviations.

Thus the doctrine of inequality is the core and heart of the caste system. Supported by philosophical elements, it constructs the moral, social and legal foundations of Hindu society.<sup>5</sup> The UN defines this kind of problem as 'discrimination on the basis of work and descent'. It is an ancient form of oppressive, hierarchical social organisation that ordered people according to

their family of birth. It has remained in place despite its legal abolition because of its religious sanction, the social and economic persecution of those who broke caste 'rules' defining the work done and the segregation between castes. The Brahminical system stated that those born into families not recognised within the major caste categories would be 'untouchable' and could never come into contact with the caste Hindus, lest the dominant groups be physically and spiritually defiled. Far from being a remnant of the past, caste discrimination continues in both its traditional, rural forms of physical and occupational segregation and economic exploitation, in access to land and to criminal justice, in modern Indian schools and universities, in marriage and dining, and in access to the new employment opportunities provided by India's information technology boom.<sup>6</sup>

Those who are beneath the entire caste system – and are therefore literally 'outcaste' as well as 'untouchable' – call themselves 'Dalits'. The word "Dalit", meaning "broken" or "ground down", is used by 'outcaste' people themselves to describe at the same time their oppression, their identity and their collective power for emancipation. They are the non-people, the ones that all belonging to the 'varnas' (Brahmins, Kshatriyas, Vysyas and Shudras) can content themselves with being above. The caste system has nevertheless been applied to Dalits to divide them into many sub-castes. The use of the word 'Dalit', encouraged by great Dalit leader Dr. Ambedkar, has enabled the development of a collective identity among all the 'outcaste' people, whatever their sub-caste, ethnicity or religion. The government nevertheless use the term 'Scheduled Castes' for Dalits.<sup>7</sup>

### Atrocities against SCs and STs

There has been a dereliction of social, cultural and civil rights which is practiced through religious sanctions and sanction of the law books or the Dharmashstras. According to Manusmriti; the untouchables had not only religious and cultural disabilities but they were simultaneously not allowed to have possession of wealth since Shudra could torcher a Brahmin. In the contemporary times, untouchability continues to be practiced today against Dalits. In everyday life situation, ex-untouchables subjected to segregation, insult, humiliation and frustrations. In this regard, earlier studies of J.M. Freeman's study of Bauris in Orissa village reveals that in everyday social life Bauris are suppressed, cheated, insulted and used by so called upper/high caste<sup>19</sup>. Similarly, a study concluded by Lal and Nahar in

Rajasthan noted that the upper caste by and large do not accept water from utensils of scheduled caste and accessibility to temples is debarred. Numerous studies have been carried out depicting the scourge of untouchability- IP Desai study of untouchability in rural Gujarat<sup>20</sup>, Rama Sharma's study of Bhangi in Delhi<sup>21</sup>, Study of Scavengers and swipers by Shyamlal in Rajasthan<sup>22</sup> and Mary Searle Chatterjee in Varanasi. Despite the scheduled castes and scheduled tribes (Prevention of Atrocities) Act, 1989 came into effect, yet the crime rate against Dalits continues to be higher. Dalits are subjected to continuous perpetration of crimes and atrocities amounting to about 3.8 crimes and atrocities per hour in the year 1995, 3.6 in 1996 and in 1997 as mentioned in Statement of National Campaign on Dalit Human Rights and International Dalit Solidarity Network 1998. The data from national crime records Bureau also reflect the magnitude of violations. As per Crime in India data (www.ncrb.nic.in) of 2012- Protection of Civil Rights

Act, 1955: A total of 62 cases were - reported during the year 2012 as compared to 67 cases in the year 2011 thereby reporting a decrease of 7.5% in 2012 over 2011. Puducherry has reported the 20 cases of such crimes followed by Karnataka (11 cases), Andhra Pradesh and Tamil Nadu (9 cases each) during the year 2012. These four States have accounted for 79% of total cases reported in the country. Again when SC/ST (Prevention of Atrocities) Act is taken into account; A total of 12,576 cases were reported under this Act during the year 2012 as compared to 11,342 in the year 2011 thereby reporting an increase of 10.9%. Bihar has reported 4,436 cases accounting for 35.3% of the total cases reported in the country followed by Odisha (15.5%) (1943 cases), Uttar Pradesh (13.8%) (1,740 cases), and Karnataka (10.6%) (1,334 cases). At 27.0, the highest rate of crime was reported in Odisha as compared to national rate of 6.2.8

Atrocities are an official category of crime in India defined by The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act defines atrocities as crimes such as:

- forcing Dalits to eat obnoxious substances
- dumping excreta or carcasses in Dalit premises
- assaulting a Dalit women with intent to dishonour or outrage her modesty
- using a position of dominance to sexually exploit a Dalit woman
- parading Dalits naked or with painted face or body
- forcing Dalits to do forced or bonded labour
- dispossessing Dalits of their land and forcing Dalits from their homes preventing Dalits from voting
- corrupting or fouling a Dalit water source
- publicly humiliating Dalits
- using fire or explosives to damage Dalit property
- fabricating evidence in order to convict innocent Dalits<sup>9</sup>

*According to official Indian crime statistics, averaged over the period 2001-2005:*

- 27 atrocities against Dalits every day
- 13 Dalits murdered every week
- 5 Dalits' homes or possessions burnt every week
- 6 Dalits kidnapped or abducted every week
- 3 Dalit women raped every day
- 11 Dalits beaten every day
- A crime committed against a Dalit every 18 minutes. 27 atrocities against Dalits every day
- 13 Dalits murdered every week
- 5 Dalits' homes or possessions burnt every week
- 6 Dalits kidnapped or abducted every week
- 3 Dalit women raped every day 10

Within the dalit community, Dalit women face more burdens due to caste and gender discrimination. Dalit women are subjected to systematic oppression and structural violence both from the general community and from within their own community and their families. Atrocities

and violence against dalit women are used as means to reinforce this systemic caste and gender discrimination as well as to punish them when they challenge caste and gender norms. Since 2005, EVIDENCE has been involved in over 253 cases of violence against Dalit women. Observation of these cases shows that more than 70% of atrocities are committed as these women tried to assert their rights and challenge caste and gender norms. Violence is used to curb the assertion of the rights of dalit women in particular and of the community in general. Their socio-economic vulnerability combined with being a woman and Dalit also increase the incidence of violence on them.<sup>11</sup>

The recent upsurge in the cases of atrocities on Scheduled Castes and incidents of caste violence has perturbed the entire socio-political ambience of the Indian society. The figure of atrocity on Scheduled Castes over the years has shown upward trend. They have suffered not only from economic exploitation but also from social discrimination. The situation has become worse than before because of the migration of population under economic pressure. The existing inequalities in urban areas have added a new dimension to the problem. Violence is gradually becoming a common strategy against those whom they consider responsible for taking a major share of their lives. After a careful analysis of the problem the study holds following reasons responsible for the growing menace: 1. Improper implementation of the Minimum Wages Act and non-payment of minimum wages fixed by the government for rural labourers, 2. Absence of proper employment opportunities, 3. Rigid caste-based social structure, 4. Atrocities on women of lower castes, 5. Lack of industrialisation and other development programmes, 6. Illegal occupation of uncultivated public land by landlords, 7. Lack of irrigation facilities for rural poor mostly belonging to the Scheduled Castes, 8. Denial of political rights to rural poor, 8. Nexus between landowners and the police and 9. Tussle over political domination, and 10. Caste and class violence in rural areas. In addition to these causes, widespread unemployment, underdevelopment, poverty, the continuing feudal order and growing cases of corruption among local politicians and bureaucrats combined with socio-political and economic

disparities among the upper, middle and Scheduled Castes have added new dimensions to the problem of naxal violence.<sup>12</sup>

Caste clashes bound to occur so long the unequal socio-political and economic order is not changed and the scheduled castes remain undefended. Despite a number of constitutional safeguards the condition of the scheduled castes and the scheduled tribes continues to be pathetic. This is an indicative of unequal efforts and inadequate mechanism. The age old upper caste hegemony over the scheduled castes still exist. In most of the villages their position is further deteriorated by the powerful land owning upper castes who exploit their educational and economic backwardness. Therefore, the state and the central government should ensure the proper and speedy implementation of various preventive measures carefully throughout in various meetings and committees. The long term structural changes such as gradual industrialization and rural employment could also prove useful. In this regard, the center and state governments must ensure that the financial resources allocated for the development of rural areas are properly utilised.<sup>13</sup>

### **Constitutional Safeguards for SCs and STs:**

The following safeguards are provided for STs in India:

- Article 46 is a comprehensive provision comprising both the developmental and regulatory aspects. It provides that "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation". In terms of these enabling provisions, various safeguards have been provided for socio-economic and educational development of Scheduled Castes and Scheduled Tribes in the Constitution of India.
- Article 23 prohibits traffic in human beings and beggar and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention STs but since majority of bonded labour belong to STs, this Article has a special significance for members of Scheduled Tribes. In pursuance of this Article, Parliament has enacted the Bonded Labour System (Abolition) Act, 1976. For effective implementation of this Act, the Ministry of Labour is running a Centrally Sponsored Scheme for identification, liberation and rehabilitation of bonded labour.
- Article 24 provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. There are Central and State laws to prevent child labour. This Article is also significant for STs (as also of SCs) as a substantial portion of child labour engaged in hazardous jobs belong to these groups.
- Article 29(1) provides that "any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same". This Article has special significance for all the Scheduled Tribes. Santhals have a script of their own, viz., Olchiki. But this provision needs not be understood to educate Tribals only in their language and thereby making them isolated. Tribals should be educated in the language of the State as well as National Language to expose them to the outside knowledge.
- Article 350 A provides that "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the president may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities". Most of the tribal communities have their own languages or dialects, which usually belong to a different family of languages than the one to which the State's official language belongs.<sup>14</sup>

#### Gap between Various Legislations and Practice:

The question is that why do higher caste persons continue to practice untouchability, and discrimination? What are the major reasons for the non-implementation of Constitutional legislations enacted to protect the interests of Dalits? Why do Non dalits resort to physical and other violence whenever the dalits try to gain a lawful access to Human Rights and equal participation in social, political, religious, cultural and economic sphere of community life?

- The reasons for the wide spread practice of untouchability, atrocities, other violent

reaction by the higher caste as well as non-implementation of the various provisions of the constitution as well as legislations are to be found in continuing belief and faith of the high caste Hindus in the sanctity of institution of caste system and untouchability. On the one hand Dalits are being still excluded from the day to day communitarian interactional relationship based on the caste hierarchy and on the other hand some sectarian interests are forcing them, directly or indirectly to remain within the fold of the Hindu Society to present this society as a "homogenised Hindu Whole" and thereby ensuring their majority status.

- Secondly, as argued by Ambedkar, most of the Dalits—being illiterate, ignorant and god-fearing—themselves believe in caste system and practice caste discrimination among themselves, probably not to the extent the upper caste do. They, therefore, remain divided and are unable to take a collective action against caste oppression (Ambedkar, 1989: 266).
- Third, although the SCs/Dalits alone account for over 16% of total Indian population, they constitute too small a number in each village to muster enough courage for taking the support of law and going to the police and the judiciary to punish the caste Hindus violating their rights (Ambedkar, 2003: 350; Ramaiah, 2007).
- Fourth, most of the Dalits are landless and depend on the very castes that violate their rights and dignity to earn their living. So, though there are laws to their support, they would not dare using them to protect their source of living.
- Fifth, seeking justice through the special laws is not an easy task, since it demands adherence to number of procedures on the part of the victims, accused, police, the special public prosecutor and others concerned at every stage of the case, which is often turn out to be very costly, tiresome and time-consuming, particularly for the victims. Invariably, it is during this time the accused indulges in number of mischievous activities including bribing the police, tampering the evidences, pursuing the victims for an out of court settlement of the case and threatening the victims and their witnesses etc. And if they have to pursue the case despite all these, it would be at cost of their means of sustenance, dignity, peaceful living, and sometimes their life itself (Ramaiah, 2007; Ram, 1986).
- Sixth, overwhelming caste loyalties and sentiments often influence the decisions of the police and judiciary. The explanation of Ambedkar regarding why most cases of caste discrimination and violence end in acquittal is true even in the present context. When the law enforcement agency, the police and the judiciary, does not seem to be free from caste prejudice—since they are very much part of the same caste-ridden society—expecting law to ensure justice to victims of caste crimes is rather an impractical solution to this perennial social problem.<sup>14</sup> "It is observed that the Government programmes - especially those pertaining to SC and ST welfare are never taken seriously, and there are no effective monitoring system to pinpoint the failures of the plan objectives. There are diversion of resources and lack of utility of the schemes. Therefore, the condition of these communities is still remained very miserable. Therefore, remedial measures and effective course corrections should have to be implemented.

Most of the SC and ST communities are still striving to fulfill their basic needs of food, clothing and shelter. Besides these, today they require better opportunities to live in dignity and self-respect. Hence, ample opportunities should be made available to them, which would ensure them a secured and dignified life in this 21st century." 15

In the ancient period of India, the backward castes had been denied all kinds of social and economic endowments. Hence, they had been lagging behind in the process of development. The social and economic deprivation among Scheduled Castes had been most common during pre and post-Independence. Therefore, there was a need of number of special safeguard policies. One of that is, 'Reservation Policy' in the Government Recruitment. The objective of the reservation policy is to eradicate the social and economic disparities which existed in the society. 16

We find that changes in relative economic position between the lower castes and upper castes are positively correlated with changes in the incidence of hate crimes, such that a widening of the gap in expenditures between the lower and upper castes is associated with a decrease in crimes committed by the upper castes against the SCs/STs. Further, between the IPC and SLL crimes it is the violent IPC crimes that are responsive to changes in economic gaps. Moreover, this is driven by an improvement in the economic well-being of the upper castes rather than a decline in the economic position of the lower castes. We interpret this as the upper castes responding to changes in threat perception created by changes in the relative positions between the two groups. As a re-affirmation of this conjecture, we found that among the largely violent crimes, it is the non-body crimes- crimes that seek to deprive the victim of his property symbolic of his material progress- that are affected by the changes in relative standards of living.

Although the incidence of such crimes is usually treated as a law and order problem by the system, it is more broadly a question of social justice. There is ample evidence that suggests that upper castes use and justify various forms of violence as tools to ensure adherence to caste-based norms and traditions by the lower castes. Attacks often take the form of collective punishment, whereby entire communities are punished for the perceived transgressions of individuals who seek to alter established norms or demand their rights. Dalits are attacked so that they can be taught a lesson" for aspiring to higher standards by being more educated, acquiring more wealth and indulging in more conspicuous consumption.<sup>28</sup> Inter-caste marriages where a Dalit boy marries a higher caste girl have resulted in looting and torching of Dalit villages in Dharmapuri district in Tamil Nadu (Senthalir, 2012) and ransacking and destruction of villages in Pabnava, Haryana (Katulkar, 2013). Dalit women, occupying the bottom of both the caste and gender hierarchies, are uniquely susceptible to violence. A 1997 report by the National Commission of Scheduled Castes and Scheduled Tribes succinctly states. Whenever Dalits have tried to organize themselves or assert their rights, there has been a backlash from the feudal lords resulting in mass killings, gang rapes, looting of Dalit villages"<sup>17</sup>.

Even though the magnitudes of the effects we obtain are small, a regular occurrence of such crimes instills a sense of apprehension and has a capacity for secondary victimization i.e., it creates a sense of vulnerability and anxiety not just for the victim but also for the wider community (McDevitt et al., 2001).<sup>29</sup> Repeated incidents of individual-level hate crimes may exacerbate existing tensions between groups and could escalate to situations of group-level conflict (Levin and Rabrenovic, 2001). This suggests that even though affirmative action has led

to visible changes in some dimensions of economic conditions of SC/ST groups, they have not been truly empowered since notions of caste hierarchies remain deeply entrenched in society.

The working of the criminal justice system only perpetuates the problem. There is a grant violation of justice in the form of police resistance in filing complaints; low conviction rates leading to easy acquittals for perpetrators; high pendency due to only a few special courts operating; and poor implementation of economic relief to victims. Newspaper reports frequently find that judgment on cases is delayed by several years due to the lax performance of the courts and the apathetic attitude of the legal machinery. A report discussing the performance of the SC/ST Prevention of Atrocities Act, 1989 finds that at the end of 2007, 79 percent of cases remained pending for trial at criminal courts showing no significant improvement over a pendency rate of 82.5 percent in 2001 (National Coalition for Strengthening SCs and STs PoAA Act, 2010). Moreover, the pendency rate is approximately the same for all crimes under the Prevention of Atrocities Act, 1989, Protection of Civil Rights Act and IPC, indicating that the provision for speedy trials under Prevention of Atrocities Act, 1989 is not being duly followed. Such failures in investigating, filing and pursuing cases involving crimes against SC/ST groups empower potential perpetrators by signaling that crimes against lower castes will go unpunished and also further disempowers marginalized communities by eroding their trust in the legal system.<sup>18</sup>

#### **Why atrocities against dalits and adivasis continue**

2004 report by the National Human Rights Commission (NHRC) highlights acts of omission and commission by law enforcement agencies. Despite the availability of voluminous and well researched material, no action against guilty officials is taken nor relief afforded to victims of violence, thus shaking people's faith in the rule of law. In many cases, the members of the law enforcement agencies themselves are the offenders. Since complaints in atrocity cases are directed against the police and security agencies, effective redress of grievances calls for police reforms besides intervention in specific cases to enforce accountability of the guilty officials.

- The NHRC and other bodies have made recommendations for reforms in the criminal justice system but with no result. No progress has been made in enforcing police accountability for arbitrary arrests and extrajudicial killings. The NHRC has stated that in some states extrajudicial killings have virtually become a part of state policy.
- The NHRC report states that ever since the law against atrocities came into existence, Hindu fundamentalists have launched a campaign against it. Nowhere in the country has the law been effectively used. The police machinery resorts to various machinations to discourage registration of cases, dilutes the seriousness of the offences, shields the accused persons, and often inflicts the violence itself.
- Failure to register first information reports in these cases led to the perpetrators being let off with lesser sentences; victims not getting compensation/relief as provided; availability of bail to perpetrators and cases being investigated by lower-ranking officers with less sensitivity. The two common methods used by the police to avoid registration are registration of offence under the more lenient law on protection of civil rights, and not registering cases under the anti-atrocity law on the grounds that the victim has not mentioned abuse by caste name although this is required only in an offence under



section 3(1) of the law. ? Further, most police and revenue officials belong to the upper castes; police personnel are not sensitised to offences against dalits and adivasis; many officers at lower levels are not aware of the legal provisions; usually, the police officers are posted to civil rights units as a punishment and they do not take their work seriously; the police do not take seriously their work in implementing social legislation, which they see as less important than their public order duties; they often see the law as an obstacle to caste harmony; they often charge dalits under false cases with a view to monetary gain; the police often succumb to pressures from their own caste peers in society; police corruption prevents proper enforcement. ? The apathy, negligence and passivity of the police extends to other agencies of government and the district civil and judicial administration as well. After examining four types of judicial intervention in Andhra Pradesh, the NHRC concluded that judicial delay and dilution of the scope, applicability and meaning of the atrocities-prevention law resulted in denial of justice to the victims. The National Commission for SCs & STs noted that although protection is the overarching component of the strategy for the development of suppressed communities, that watchdog bodies are not functioning as required. A study of the status of implementation of the law in the states of Uttar Pradesh and Madhya Pradesh by the Commission found a deplorable state of affairs. ? The report said that the law operates in a given social and political environment, which reflects the relative position of various interests in society. This has a bearing on governance. Therefore, it is necessary to examine the role of political elements, the bureaucracy, civil society institutions such as the media, NGOs and so on, in order to place in perspective the attitudes and considerations which weigh with them.

The political environment is characterised by indifference to the plight of the dalits; meagre space for social justice issues in the manifestos of political parties; poor debate on such issues in the national and state legislatures. The political insensitivity to atrocities against dalits is reflected in the reluctance to discipline the bureaucracy for its failure to implement the law fairly and objectively. The excesses of the police machinery and others are condoned or ignored to maintain the morale of the forces. The findings of a plethora of reports are not taken seriously by the political elites. Relief and rehabilitation measures are adopted indifferently or not at all.<sup>19</sup> At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001, the National Human Rights Commission opined that it was not the "nomenclature" of the form of discrimination that must engage our attention, but the fact of its persistence. The Commission observed that the Constitution of India, in Article 15, expressly prohibits discrimination on grounds both of "race" and "caste" and that constitutional guarantees had to be vigorously implemented. The Commission held the view that the instruments of governance in the country, and the energetic and committed non-governmental sector of society that existed, could unitedly triumph over historical injustices that had hurt the weakest sections of our country, particularly the Dalits and the Adivasis. The Commission concluded that this was, above all, a national responsibility and a moral imperative that can and must be honoured. Despite elaborate provisions in the Constitution and other laws, it is an unfortunate reality that social injustice and exploitation of Scheduled Castes and Scheduled Tribes and other weaker sections

persist. There are reports in the press about atrocities against persons belonging to these groups and the frequency with which they occur is a cause for disquiet. The humiliation which persons belonging to the Scheduled Castes in general and the Dalits in particular suffer even today, more than half a century after India proclaimed itself to be a Republic, is a matter of shame. For the National Human Rights Commission, the protection of human rights is essential for defence of democracy itself - a democracy that is inclusive in character and caring in respect of its most vulnerable citizens. The Commission holds the view that human rights must be made the focal point for good governance. The Commission has been quite vocal and outspoken in defence of human rights particularly of the vulnerable sections of the society. The Commission draws inspiration in its work for defence of human rights from Mahatma Gandhi's very potent observation: 'It has always been a mystery to me how men can feel themselves honoured by the humiliation of their fellow beings.'<sup>20</sup> It is taking place in 21st century when science guides the minds, entire human race has accepted the fundamental principles of equality of all humans, human rights and justice to all without discrimination of any kind. But in our society even educated people have irrational caste oriented minds. It appears the casteism is not a social problem but a chronic malaise or genetic disorder we suffer from. Atrocities against Scheduled Caste is deeply rooted in the caste system. Yet, Dalit are facing different forms of discrimination in day to day life in republic of India.<sup>21</sup>

### Conclusion

In the conclusion, we can say that more than 260 million people worldwide suffer from this "hidden apartheid" in different forms of segregation, exclusion, and discrimination. Several legislations in the constitution have been enacted for the protection of the Dalits and Adivasis in India. On the contrary, atrocities, violence and discrimination against them persist unabated. There are missing reported cases where Dalits and Adivasis are harassed and exploited for being poor and for being coming from polluted castes as per traditional caste hierarchy. Sometimes the whole Dalit community in the village is socially boycotted. A democratic movement from the grassroots level has to be launched against discrimination and atrocities as they are more apparent in rural areas. There is a need to change the status quo and discrimination. Dalits have to spearhead this human right movement and all progressive forces should join their hands with them. The Dalit and Advasis human rights have to be taken to the center stage of any political and social movement in the country. Their right to be human cannot be attained by themselves being mere spectator. If India wants to be the super power in near future, there is much to be said and done regarding effective constitutional provisions and the fruitful attainment of cultural and socio economic equality of scheduled castes and scheduled tribes in our secular country.

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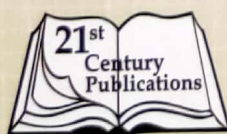
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