

Castes based violence against dalits women in India

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Abstract: The etymology of 'Dalit' is traced to the root dal in Sanskrit which means split, break, crack, or crushed. As an adjective Dalit came to signify broken or ground down and evolved to mean oppressed, exploited and downtrodden. The term Dalit has been used in the nineteenth century to refer to outcastes and untouchables. They are also known as 'Harijan' that means children of God.

The framers of the Indian Constitution were active in protecting the human rights of men and women. So the constitution of India has provided many provisions for the protection of human rights of Indian citizens.

Despite constitutional and legal provision to eliminate discrimination against Dalits, atrocities against Dalits, especially Dalits women, continue to occur from all parts of India. Dalits are considered as sub human being or less human being. The trend of the culture of untouchability in India is still continuing.

Key word: Dalits, Harijan, Constitution, Constitutional, Human Rights, Atrocities.

I. Introduction :

The etymology of 'Dalit' is traced to the root dal in Sanskrit which means split, break, crack, or crushed. As an adjective Dalit came to signify broken or ground down and evolved to mean oppressed, exploited and downtrodden.¹ The term Dalit has been used in the nineteenth century to refer to outcastes and untouchables. They are also known as 'Harijan' that means children of God. Occupying the lowest rank in Hindu caste system, they are called avarna, those whose place is outside the the chaturvarna system. They are also known as perial, panchama, atishudra, antyaja or namashudra in different parts of the country.² Their touch and sometimes their shadows and even their voices are believed to pollute caste-Hindus.³ In order to implement the Government of India Act, 1935, the colonial rulers created a schedule in 1936, for listing all castes which were considered untouchable in the Hindus society and gave it an administrative label 'Scheduled Castes'.⁴ The term 'Caste' was the English translation of the Spanish word 'Casta', first used in the Indian context by the Portuguese seafarers.⁵ The constitution of India, through Article 341, authorizes the President of India to specify castes to be concerned state notifies a particular caste as a Scheduled Caste and this inclusion of the caste in the schedule is promulgated by the Parliament.⁶ The criteria for consideration and inclusion of a particular caste into the Scheduled were based on its social, educational and economic backwardness arising out of the traditional customs related to the practice of untouchability.⁷ The Government of India Act 1935, determined these forms of deprivation, particularly social and economic, on the basis that

- . they occupy a low position in the Hindu social structure;
- . their representation in government services is inadequate;
- . they are inadequately represented in the field of trade, commerce and industry;

The suffer from social and physical isolation from the rest of the community; and there is a general lack of education development amongst the major section of this community.⁸

Generally people of this community who belong to scheduled Castes call themselves dalit. The dalits suffer discrimination and violence based on caste and gender at the hands of upper castes. Moreover, their women folk is subjected to triple exploitation of caste, class, and gender.⁹ Under the circumstance, their basic human rights are not only being ignored but violated continuously in every sphere of their lives. This is the reality which one can witness in everyday life of India society.¹⁰

Constitutional safeguards: India is a largest democracy in the world. It has largest written constitution with 395 articles and 8 schedule at the time of receiving. In the beginning, the framers of the Indian Constitution were active in protecting the human rights of men and women. So the constitution of India has provided many provisions for the protection of human rights of Indian citizens. Article 14 of the constitution of India declared that The State shall not deny to any person equality before the laws or equal protection of the laws within the territory of India. According to Article 15(1) of the constitution of India the State shall not discriminate against any citizen on ground of religion, race, caste, sex, and place of birth or any of them. Article 15(3) declared that the state is free to make any special provision for women and children. Under clause (1) and (2) of article 16, all citizens of India are guaranteed equality of opportunity in matters relating to employment or appointment to any office under the State and no citizen can be discriminated against or be ineligible for any employment or office

under the State on grounds only of religion, race, caste, sex, descent, place of birth or residence.¹¹ Article 17 abolishes untouchability and forbids its practice in any form. If practiced, it shall be treated as an offence punishable in accordance with law. Directives Principles of State Policy is enshrined in the part IV of the Indian Constitution. Part IV of the Indian Constitution is very much important for the protection of women's rights. Article 39 say that the State shall direct its policy in such a manner as to secure that all men and women have the right to an adequate means of livelihood, that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; that the economic system is not allowed to result in the concentration of wealth and means of production to the detriment of the common good, that there is equal pay for equal work for both men and women.¹²

In addition to the above constitutional protection, some laws have been enacted exclusively to protect the human rights of Dalits. First, we can mention the Untouchability Offence Act which was enacted in 1955. After two decades, this Act was amended in order to make it more effective and strong and the Protection of Civil Rights Act was passed in 1976.

Atrocities against Dalits women: Despite constitutional and legal provision to eliminate discrimination against Dalits, atrocities against Dalits, especially Dalits women, continue to occur from all parts of India. The trend of the culture of untouchability in India is still continuing. Dalits are considered as sub human being or less human being. That is why, several social restriction have been imposed on them. It has been seen that a Dalits woman could not get water from well along with upper caste woman. They have to wait till the non-dalits women have taken water. Even upper caste hindu forced dalits people to wear dirty clothes so that they can easily identify them and they can avoid their touch. In some parts Tamil Nadu and Orissa they are not allowed to wear chappals and ride bicycle.¹³ In some parts of Andhra Pradesh, the marriage procession of dalits through the public village roads were prohibited on one pretext or another. There was no access to public drinking water sources. Well or taps were located in the high-caste localities and attempts by Dalits to access these invited objection and physical obstruction.¹⁴ In many parts of India, untouchability is practiced in making wage payment: the SC received wages in cash or kind handed to them from a respectable distance in order to avoid physical touch.¹⁵ Even, they are deprived of the right to bargain on wages. The upper castes violently attacked them when they demanded minimum wages. One such incident happened in Thanjavur district of Tamil Nadu on 25th December, 1968. 44 dalits agricultural labourers including women and children were burnt alive by the land owners of the village because they had demanded minimum wage.¹⁶ Further, on March 31, 2002, at Bhaktakheda village in Unnao district of Uttar Pradesh three dalit women had been gang raped, an old man murdered eighteen persons seriously injured and a two year old girl knifed by upper caste landowner over a wage question.¹⁷ Dalits are still considered impure when it comes to inter-caste marriage. Therefore, if a boy or girl marries an upper caste girl or boy, he and his family have to suffer dire consequences. As an example, we may refer to an incident that took place in Seoni district of Madhya Pradesh on 4th July, 2004. When a gowli girl, Santoshi Chandravanshi and a Mahar boy Nitish Kosre disappeared from the village. Kosre family was given two days to locate the couple. On July 8, 2004, the Kosre family informed the Gowli family that they had failed to locate the couple. By then the member of the Gowli community had decided to teach the Mahar a lesson for the insult. They held a meeting and decided to attack the Kosre household. A large number of Gowlis forced into the Kosre household and dragged three women of Kosre's family through the streets of Bhomatala. The women were taken behind the Panchayat Bhawan and gang raped. The Gowli community actively took part in the operation while the outnumbered dalits families could do little but to watch helplessly.¹⁸ A Dalit girl was gang raped in Rohtak district of Haryana in 2015. The rapists had committed the offence a second time to the same victim with the intention of "teaching her lesson" for not only reporting the first instance of rape to the police, but also refusing an out-of-court settlement for Rs. 50 lakh. The rapists were released on bail after being arrested for the first rape. They tracked down the girl and raped her for the second time.¹⁹ It is clear from the reports of various newspapers and organizations that the role of state in protecting and safeguarding the dignity of Dalits seems inadequate.

Before the 73rd Amendment Act of the Indian Constitution, village affairs and rural economy were controlled by the upper castes. This amendment gave the opportunity of political participation to the Dalit community. Consequently, the political empowerment of Dalit people through political participation is another reason for the growing trend of atrocities against them. Elected dalit and tribal women often face violence and rape if they dare challenge the authority of the officials and other powerful caste Hindu members.²⁰ On August 15, 1998 at Thikari Gram Panchayat in Dausa district of Rajasthan Mishri Devi, a tribal women sarpanch was stripped naked while unfurling the national flag on that day.²²

Conclusion: Our India has adopted various constitutional and legal safeguards to protect its citizens, yet human rights violations and heinous crimes against dalits continue. It is clear that the existing mechanism are not sufficient to control crimes committed by privileged upper castes on Dalits. Therefore, along with proper implementation of constitutional and legal system, some positive steps in education, health, wages, land

distribution should be ensured to improve the socio-economic condition and empower the weaker section of the society.

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