
Different Facets Of Caste-Based Atrocities

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Abstract

Indian society is highly stratified with many glaring inequalities among different socio-economic groups. Undereducated, severely impoverished, and brutally exploited, Dalits struggle to provide for even their most basic daily needs. Their children are subjected to human rights abuses as well. These children are common victims of bonded labour practices, even though bonded labour is outlawed in India. When their families become indebted to moneylenders to pay for emergency health services or daily sustenance needs, their children are often forced to work off these debts. Due to the purposefully low wages these children are paid, they can rarely ever earn enough money to pay back their debts and break free from their labour obligations. Additionally, Dalit girls are often selected for the practice of devadasi, or marriage to temple deities. As part of devadasi, these girls must serve in the temple and perform sexual services for temple workers. In the private sector, even educated among them struggle to succeed. Although Indian laws are now supposed to protect them from degradation, the reality of Dalits' lives has scarcely changed.

Keywords: Assault, atrocity, beggar, bonded labour, caste, dalit.

Introduction

Dalits suffer from atrocities both from the wider Hindu society that ostracizes them and from state authorities. They suffer from arson attacks, rape, torture, stigmatization and ostracization, murder and mass killings. The media have recorded several of such atrocities. The state machinery in the form of police, bureaucracy and judiciary either actively perpetrate these atrocities or connive with the culprits. In many cases, even Dalits who go to the police station to give a complaint have been arrested, tortured and falsely implicated in a crime. Extra-judicial killings, arbitrary detention and torture of Dalits by the state police are common in India.

Indian society is highly stratified with many glaring inequalities among different socio-economic groups. The worst positions among them are the Dalits and Tribes. The caste system segregated the Dalits from the rest of the society to such an extent they were denied even the basic human rights that one must enjoy in order to ensure ones existence. It proved to be a divine privilege to the upper caste enjoying the virtual monopoly of

education, industry, trade, commerce and so on; on the other hand, it spelt disaster for the lower castes. This is because the later were assigned the tasks involving only manual labour. They were thus prevented from accumulating wealth, which restricted their need to be bare existence.¹ Thus, the absence of freedom of occupation, low earning implicit restriction on needs, and stigma or menial labour destroyed the economy of the lower caste. They came to wholly dependent on the upper caste for bare economic existence. As a result, the Dalit remained socially outcaste economically dependent politically powerless and culturally backward.²

Under educated, severely impoverished, and brutally exploited, Dalits struggle to provide for even their most basic daily needs. Their overall backwardness made them vulnerable to humiliations, slavery, indignities and atrocities.³ Dalits must also endure daily threats to their physical security from both state and private actors. The violence by upper caste-groups against Dalits has two major causes: the “untouchability” and caste discrimination. Upper caste-community members practice these kinds of atrocities on a daily basis and the desire of upper-community members to protect their own entrenched status by preventing Dalit development and the fulfilment of Dalits’ rights.⁴

A review of the political, social, economic and cultural status of Dalits in India shows the State Party to be in violation of its obligation to respect, protect and ensure Convention rights to all individuals in its jurisdiction. India routinely denies Dalits the rights and privileges that many of its other citizens take for granted.

Different Facets of Atrocities

Discrimination is entrenched in a number of facets of the government—from the discriminatory practices of law enforcement, prosecutors and judges, to the failure to eradicate segregation in public services, including schools, and in residential arrangements, to the failure to successfully implement programs to ensure the development and protection of Dalits, including in particular Dalit women. The State Party has also failed to ensure that private actors, in particular upper-caste community members, observe the prohibition on discrimination. Retaliatory violence, social and economic boycotts and exploitative labour conditions enforced by private actors are unchecked, which resulted in violation of Dalits’ rights to personal security and other rights that are notionally guaranteed by the Constitution and various legislative measures. The wide spread practice of “untouchability” and the violation of Convention rights necessitates that India undertake comprehensive review and reform of the existing law, policies and practices that enable the extreme marginalization and persecution of Dalits to continue unabated. Historically the caste system degraded the Dalit community.

Present State of Dalits

¹Sarkar R.M, *Dalits in India-Past and Present*(2006), p.115.

²Munger B.L, *State Markets and Dalits- Analytics of the New Economic Policy*(1999), p.59.

³Shailendra kharat, “Dalits and Human Rights”, *Journal of Institute of Human Rights*(2006), pp.56-57

⁴*Id*, p.61

Although Article 17 of the Indian Constitution banned untouchability in 1950, Dalits still suffer widespread discrimination and mistreatment, particularly in villages and rural communities. Local law enforcement personnel often refuse to document, investigate, and respond adequately to Dalit complaints. Upper caste members often threaten and assault Dalits who dare protest against the atrocities.⁵ Examples of discrimination against Dalits include the continued practices of traditional segregation between upper castes and Dalits. In places throughout India, Dalits must bring their own utensils to eat or drink in restaurants so as not to pollute the utensils of high caste members. In many areas, Dalits may not drink from the same wells as upper caste members do, and may not enter temples where high caste Hindus worship. Despite the system of quotas for government employment, Dalits rarely rise above traditional Dalit occupations. The existence of quotas often fuels disdain for Dalits.⁶

In the private sector, even educated Dalits struggle to succeed. Although Indian laws are now supposed to protect Dalits from degradation, the reality of Dalits' lives has scarcely changed. In many communities, upper caste members still expect Dalits to perform their traditional occupations on demand and without pay.⁷ When Dalits refuse to comply with such upper caste demands, they face violence or social boycotts that involve practices such as refusing to sell groceries to Dalits or to hire Dalit workers.

Dalit children are subjected to human rights abuses as well. These children are common victims of bonded labour practices, even though bonded labour is outlawed in India. When Dalit families become indebted to moneylenders to pay for emergency health services or daily sustenance needs, Dalit children are often forced to work off these debts. Due to the purposefully low wages these children are paid, they can rarely ever earn enough money to pay back their debts and break free from their labour obligations. Additionally, Dalit girls are often selected for the practice of devadasi, or marriage to temple deities. As part of devadasi, these girls must serve in the temple and perform sexual services for temple workers.

Common Atrocities against Dalits

According to the 2011 census, Dalits – officially known as ‘scheduled castes’ – constitute 201 million people. These figures do not include Dalits who have converted or are born and raised within a non-Hindu religious community.⁸ It is therefore more than likely that the total Dalit population – including the millions of Dalit Muslims and Christians - by far exceeds the official 201 million. Therefore, it can be said that More than 201 million people in India are considered “Untouchable”—people tainted by their birth into a system that deems them impure, less than human.

Human rights abuses against these people, known as Dalits, are legion. A random sampling of headlines in mainstream Indian Newspapers tells their story: "Dalit boy

⁵Hanchinamani, Bina B. "Human Rights Abuses of Dalits in India" (2001), vol.8, issue 2, *Human Rights Brief journal*, p. 15.

⁶*Id.* pp.18-19.

⁷ Swapna H. Samel, *Rights of Dalits* (2006), p.8

⁸<http://census2011.tn.nic.in/pca2011.aspx> (Accessed on 12-01-2014)

beaten to death for plucking flowers"⁹; "Dalit tortured by cops for three days"; "Dalit 'witch' paraded naked in Bihar"; "Dalit killed in lock-up at Kurnool"¹⁰; "7 Dalits burnt alive in clash"; "5 Dalits lynched in Haryana"; "Dalit woman gang-raped, paraded naked"; "Police egged on mob to lynch Dalits".¹¹

Statistics compiled by India's National Crime Records Bureau indicate that, it is estimated that a crime is committed against a Dalit person every 18 minutes. According to the National Crime Records Bureau (NCRB) data, the total number of registered crimes committed against SCs is increasing: 14,318 crimes were committed against SCs in 1981; the number increased to 17,646 in 1991, 33,501 in 2001, and with some variations in the intervening years, remained high at 33,594 in 2009. The total number of reported cases of SCs being murdered by the non-SCs also rose from 493 in 1981 to 624 in 2009. A similar rising trend is also evident in subsequent a year that is in 2010 and 2011.¹² The problem for many is not the law but the lack of political will, at local and national levels to apply it. It is studied that, at present the official conviction rate for Dalit atrocity cases was just 5.3%. Every hour two Dalits are assaulted; every day three Dalit women are raped, two Dalits are murdered, and two Dalit homes are torched.¹³

No one believes these numbers are anywhere close to the reality of crimes committed against Dalits, because the police, village councils, and government officials often support the system, which is based on the religious teachings of Hinduism that follow the caste system. Many crimes go unreported due to fear of reprisal, intimidation by police, inability to pay bribes demanded by police, or simply the knowledge that the police will do nothing.

"There have been large-scale abuses by the police, acting in collusion with upper castes, including raids, beatings in custody, failure to charge offenders or investigate reported crimes. It is a common phenomenon in many south Indian states that "Dalits are not allowed to drink from the same wells, attend the same temples, wear shoes in the presence of an upper caste, or drink from the same cups in tea stalls," said Smita Narula*. As per the latest survey, conducted by International Dalit Solidarity Network about the social condition of Dalits in India, reveals horrifying statistics: In rural areas, 37.8% of government run schools make Dalit children sit separately from other children. In 27.6% of rural villages, Dalits are prevented from entering police stations. In 33% of rural villages, public health workers refuse to enter Dalit homes. 48.4% of Dalit villages are denied access to water sources. In 70% of rural villages, Dalit and non-Dalit people cannot eat together.¹⁴

⁹ <http://thehindu.com/news/National/conspiracy-against-dalits> (Accessed on 23-01-2014)

¹⁰Ibid.

¹¹ [Http://expressnews/service](http://expressnews/service) (Accessed on 23-01-2014)

¹²*Crime in India*, National Crime Records Bureau, Ministry of Home Affairs, (2012, www.ncrb.nic.in), (Accessed on 25-01-2014)

¹³Ibid.

*A senior researcher in Human Rights Watch, and author of *Broken People: Violence Against India's "Untouchables*.

¹⁴ Available on <http://women.overcomingviolence.org> (Accessed on 23-01-2014)

Dalit women experience triple discrimination based on their economic situation and their gender. In rural India, 70% of Dalit women are illiterate. In the Southern States, thousandsof girls are forced into prostitution before they reach puberty. Temple prostitutes or Joghinis (literally female servants of God') are usually Dalit. Once dedicated, the girl is unable to marry, forced to become a prostitute for upper caste members and eventually auctioned off to an urban brothel.¹⁵

Despite the fact that untouchability was officially banned when India adopted its constitution in 1950, discrimination against Dalits remained so pervasive. Thus in 1989 the government passed legislation known as The Prevention of Atrocities Act.

Atrocities are an official category of crime in India defined by the above said Act¹⁶, which 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.

The above said acts of atrocities in one form or another prevailing in India, even though they are declared as official category of crimes in India. In addition to the above said atrocities, Dalits also suffers following atrocities varies in severity and form which includes-

- 1) Causing injury, insult, or annoyance to a Dalit.
- 2) Assaulting, raping, or using force of any kind against a Dalit woman or a Dalit girl.
- 3) Physicallyinjuring or murdering a Dalit.
- 4) Occupying or cultivating any land owned by or allotted to a Dalit.
- 5) Forcing a Dalit to leave his/her house, village, or other place of residence.
- 6) Interfering with Dalit's legal rights to land, premises or water.

¹⁵ See Preliminary Report: National Tribunal - *Violence Against Dalit Women*,Published on 02 October2013, (Available on <http://roundtableindia.co.in>)

¹⁶*The Prevention of Atrocities Act, 1989* that came to force on January 30, 1990. Section 3 of theAct provides number of acts, which constitute atrocities against Dalits.

- 7) Compelling or enticing a Dalit to do 'beggar' or similar forms offforced or bonded labour.
- 8) Intentionally insulting or intimidating a Dalit with the intent to humiliate him etc.

Caste Based atrocities

While it is argued that, all men are born equal; the social reality is that not all men are born equal. Caste with its practices of "ism", untouchability and discrimination continues to infect as well as inflict upon the social order and human collectivity. If we go through the nature of atrocities against Dalit, it can be seen that to some extent caste is the basic reason for all kind of atrocities or violence. The point that is trying to make that the system has always acted against a section of people of its fold, ostracised them, violated their human rights, dehumanised their existence, discriminated them, segregate their location deprived them of their dignity, robbed them of their basic conditions of human existence and trammelled their "freedom" of progress.¹⁷

Caste based discrimination and atrocity against dalits community is alarmingly increased all over India that leads to bloody and brutal killing of dalits every day. These anti-social committed by so-called upper caste Hindus terrorize the dalits in almost many parts of India. The extent and occurrence of dalit atrocity is rampant like an epidemic in many parts of India. In many states such as Bihar, Maharashtra, Haryana, Punjab, Rajasthan, Gujarat, U.P., M.P., Karnataka and several parts of Tamil Nadu and A.P, the violence against the Dalits reached to newer heights.¹⁸ The severity of violence's against dalits is beyond any human comprehension as dalits are lynched,murdered and mutilated.This kind of violence is not seen even in animal world.¹⁹

There is hardly any day goes by when dalits are not killed, harassed, socially boycotted by the upper castes. Dalits houses are burnt, physical violence against dalit woman like rape, terrorizing the dalit woman by parading naked on streets, cutting genitals of dalit children's, beating elderly dalits are rampant and it is like an epidemic in rural areas and villages across India. The so-calledupper castesHindu's cannot tolerate dalits for no reason. The dictatorial attitudes of upper Hindu's go beyond any legal authorities and the law and order is in serious danger due to this anti-social elements. So, that is to say that any social activities of dalits such as marriages, temple festivals, funeral proceedings of dalits cannot go smoothly without violence and dalit killings because the casteHindu's cannot stand a dalit wearing a decent cloth. In addition, Dalit should not ask for minimum wages in rural areas, they are not allowed freely to participate in political meetings and activities, dalit bridegroom cannot ride a mare in front of upper caste Hindu's.

Thus, dalits have to step down voluntarily from the above said activities otherwise he or she and the marriage party has to face the wrath of the upper castes. The violence and

¹⁷ Sarkar R.M, *Dalit in India Past and Present*(2006), p.43.

¹⁸ Amnesty International, *Amnesty International Annual Report (2011 – India, May)*

Available onwww.amnesty.org(Accessed On 28-01-2014.)

¹⁹ http://www.humanrightsinitiative.org/publications/nl/newsletter_winter_2006-07/article11. (Accessed On 28-01-2018.)

attack on dalits are so horrendous that dalit people live in constant fear, insecurity and torturous life. It is a gross human rights violation.

The recent media reports show that atrocities against Dalits are still prevalent in our country in a grave form. Recently, The Hindu reported the new form of discrimination against dalits that is in Gujarat's Mehsana district, where Dalits cannot sell milk to cooperatives as it comes from 'Dalit' cows.²⁰ In Rajasthan's Ajmer, a Dalit woman is branded a witch, beaten and ostracized from the village; in Orissa's Kandhamal, a Dalit girl was trafficked for sex and in Haryana, minor Dalit girls are gang raped every other day by dominant or upper caste men.²¹ Times of India reported that in Madurai: the panchayat president's sons for refusing to clean their toilet allegedly attacked a dalit, who worked as a pump operator in a Kodaikanal village.²² On 21 May 2007, The Times of India reported that Karo Devi, a Dalit woman from Dhansil village in Bihar was assaulted by upper caste members and later died because of the injuries.²³

In another report, in Bhandara Maharashtra on 18 May 2007, Dalit students were humiliated after the teacher sprinkled cow urine on them to drive away evil spirits.²⁴ On 11 May, The Hindu reported that a Dalit village leader was allegedly assaulted and humiliated in the Warangal district of Andhra Pradesh²⁵. According to Frontline, upper caste youths in Haryana went on a rampage attacking Dalits and burning their homes following a fight between an upper caste and a Dalit, which ended in the death of the upper caste member.²⁶

In addition to this, some other media reports on brutal incidents of Dalits atrocities such as in Maharashtra where the shocking incident of Khairlanji murder of entire dalit family members shocked the entire nation. The states like Haryana where 5 dalits were lynched like animals in a day light under the blessings of law and enforcement (the local police), raping of minors as young as 5 year old dalit girl, mutilating and cutting hands, legs and genitals of children's, adults and olds, parading dalit woman's naked in broad day light in the presence of entire village people²⁷ are few of the thousands of examples of organized and well planned brutality against dalits.

Dalits are treated all over India as cheap dirt or less than animals and this sad status of Indian society is displayed with detailed information with graphics to the world by digital media. In this 21st century where the information spread at the speed of light to entire world, sadly our local authorities, political leaders and law enforcement is sitting quiet

²⁰The Hindu, "New Forms of Discrimination Against SCs and STs", New Delhi, October 2, 2013.

²¹Ibid.

²²<http://timesofindia.indiatimes.com>, Dec 21, 2013.

²³ 'Dalit woman beaten to death', The Times of India, 22 May 2007.

²⁴ <http://timesofindia.indiatimes.com/Teacher sprinkles cow urine to purify kids/article.show/1931784.cms>.

²⁵'Dalit sarpanch assaulted', <http://www.thehindu.com>. The Hindu, 11 May 2007,

²⁶Rajalakshmi, T.K, 'Village Terror', Frontline, vol. 24, issue 6, 24 March 2011.

²⁷<http://www.ambedkar.net/Atrocity Reports/PDF - Human Rights Violations Against Dalits, 2006-09>.

and encourage such heinous crimes go unaccountable in India. No human being should ever tolerate such heinous crimes committed by anti-social caste Hindu's.

The caste atrocities are an integral feature of the Dalit life. The government machinery keeps on collecting their statistics year after year and issues it in a report of its Commissioner for the SCs and STs. Despite this, the statistics of the registered atrocities has been raising every successive year. It is pertinent to remember that owing to the dependency relationship of the dalits with the perpetrators of atrocities, not every occurrence of atrocity is registered. Rather it can be assumed that behind each registered atrocity over ten atrocities go unreported.²⁸

Dalits suffer from atrocities both from the wider Hindu society that ostracizes them and from state authorities. They suffer from arson attacks, rape, torture, stigmatisation and ostracisation, murder and mass killings. The state machinery in the form of police, bureaucracy and judiciary either actively perpetrate these atrocities or connive with the culprits. In many cases, even Dalits who go to the police station to give a complaint have been arrested, tortured and falsely implicated in a crime. Extra-judicial killings, arbitrary detention and torture of Dalits by the state police are common in India.²⁹

Untouchability

Despite the fact that "untouchability" was abolished under India's Constitution in 1950, the practice of "untouchability" – the imposition of social disabilities on persons by reason of their birth in certain castes – remains very much a part of rural India. "Untouchables" may not cross the line dividing their part of the village from that occupied by higher castes. They may not use the same wells, visit the same temples, drink from the same cups in tea stalls, or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms, and communities as a whole are made to perform degrading rituals in the name of caste.

Types of Untouchability Practices and Discrimination

In the name of untouchability, Dalits faced many forms of work and descent based discrimination at the hands of the dominant castes. Here are the few:

Dalits are prohibited from eating with other members, and marrying with other members. Separate glasses for Dalits in village tea stalls and segregation in seating and food arrangement in village functions and festivals. Discriminatory seating arrangements and separate utensils in restaurants.

In many south Indian states, Dalits are being prohibited from entering into village temples and wearing sandals or holding umbrellas in front of dominant caste members. They are even prohibited from entering dominant caste homes, prohibited from using common village path, bonded labour; face social boycotts and even their right to vote in

²⁸Geethanjali, *Status of Dalits in India*(2011), pp. 235-236.

²⁹ Ramaiah, A. "Growing crimes against Dalits in India despite special laws: Relevance of Ambedkar's demand for 'separate settlement'", *Journal of Law and Conflict Resolution*, Vol. 3(9), Nov.2011, pp. 151-168.

elections are deprived.³⁰ India's Constitution abolished "untouchability", meaning that the dominant caste could no longer legally force Dalits to perform any "polluting" occupation. Yet, sweeping, scavenging, and leatherwork are still the monopoly of the dalits whose members are threatening with physical abuse and social boycotts.

Where can one see untouchability?

According to the latest study conducted by Human Right Watch on untouchability rural in India covering 565 villages in 11 States has revealed the extent to which Untouchability – officially banned under the 1950 Constitution – continues to be the daily reality for millions of Indians.³¹

➤ ...IN GOVERNMENT SERVICES

Despite being charged with a constitutional mandate to promote social justice, various local institutions of the Indian State clearly tolerate and even facilitate the practice of untouchability

37.8% of the villages: Dalits made to sit separately in government schools, **27.6% of the villages:** of Dalits: prevented from entering police stations, **25.7% of the villages:** of Dalits: prevented from entering ration shops, **33% of the villages:** public health workers refuse to visit Dalit homes, **23.5% of the Dalit villages:** don't get mail delivered to their homes

14.4% of the Dalit villages: Dalits not permitted to enter the 'panchayat' Local Government building, **12% of the Dalit villages:** Dalits denied access to or forced to form separate lines at polling booths, **48.4% of the Dalit villages:** denied access to water sources

➤ ...IN MARKET ACCESS

35% of villages surveyed: Dalits barred from selling produce in local markets, **47% of villages** with milk cooperatives prevent Dalits from selling milk, and 25% prevent Dalits from buying milk

➤ ...IN WORK

25% of villages: Dalits paid lower wages than non-Dalits, work longer hours, have more delayed waged and suffer more verbal and physical abuse , **37% of villages:** Dalit workers paid wages from a distance to avoid physical contact

➤ ...IN RELIGION AND RITES

64% of Dalits: restricted from entering Hindu temples, **Almost 50%** of villages: Dalits prevented from accessing cremation grounds

➤ ...IN THE PRIVATE SPHERE

73% of villages: Dalits not permitted to enter non-Dalit homes

70% of villages: Dalits and non-Dalits cannot eat together, **35.8% of Dalits:** denied entry into village shops

³⁰ Zakkir Abedi, *Dalit Social Empowerment in India* (2010), pp.183-184.

³¹ Human Right watch, Crime against Dalits in India, Available on: <http://www.refworld.org/docid/3ae6a83f0.html>, [Accessed 28 January 2014]

Untouchability is a direct product of the system. It is not merely the inability to touch a human being of a certain or sub-caste, but it is an attitude on the part of a whole group of people that relates to a deeper psychological process of thought and belief, invisible to the naked eye, translated into various physical acts and behaviours, norms and practices. The spirit of social aggression and the belief in purity and pollution that characterises casteism, which prompts untouchability. It is a diabolical contrivance to suppress and enslaves humanity.³² It is generally taken for granted that Dalits are considered polluted people at the lowest end of the order. The jobs considered polluting and impure are reserved for Dalits, and in many cases, Dalits are prevented from engaging in any other work. These jobs include removing human waste (known as "manual scavenging"), dragging away and skinning animal carcasses, tanning leather, making and fixing shoes, and washing clothes. They are supposed to reside outside the village so that their physical presence does not pollute the "real" village.³³ Not only are they restricted in terms of space, but their houses are also supposed to be inferior in quality and devoid of any facilities like water and electricity.

The untouchability is a corollary of caste system and practically it was an attitude on the part of caste Hindus.³⁴ It is the basis for atrocities and violence, denial of basic needs, land rights, legal discrimination, infringement of civil liberties, inferior or no people status, de-humanizing living and working conditions, impoverishment, mal-nourishment, bad health conditions, high levels of illiteracy and continuing social ostracism is the major reason for human rights violations against dalits .

Even today, in rural India, Dalits are prevented from most common social activities such as sharing water, food and drinks. They are barred from wearing shoes when meeting high caste Hindus. They are not allowed to cycle through village streets in which higher caste people live. They can be publicly dehumanized by small crimes such as shooing away a chicken, dogs, and other pets that belong to higher caste people. They are discriminated against, denied access to land, forced to work in the most degrading conditions, and are routinely abused by the hands of the police and higher caste Hindus who enjoy government protection.

Most of the Dalits continue to live in precarious conditions and are not allowed to use the same well, visit the temples, drink from the same cups in tea stalls or even cannot claim the land that legally belongs to them. Most Dalits continue to live in extreme poverty, without land, and they lack opportunities for better employment and education.³⁵

Labour Related Atrocities

³²Dr.Ambedkar B.R, *The Untouchable: who are they and why they became Untouchables* (1969), p.8

³³Sainath P, *Dalits and Human Rights: The Battles Ahead*, PUCL Bulletin, People's Union for Civil Liberties, June-August 1999.

³⁴Purane K.D, *Untouchability and the Law- the Ground Reality*(2000), p.23.

³⁵Human Rights Watch, *Broken People: Violence Against India's "Untouchables"*, Available at:<http://www.refworld.org/docid/3ae6a83f0.html> (Accessed on 28 January 2014)

Like other sectors, Dalits also face discrimination and atrocities in the labour market. This is clearly exhibited in exclusion of Dalits from employment by the so-called 'higher castes'. Exclusion of 'low caste' from certain types of jobs/work due to notion of pollution and purity associated with Untouchability. Selective inclusion in employment but with unequal treatment reflected (i) in lower wages (lower than wages given to other laborers), (ii) in terms and conditions with respect to hours of work, (iii) different behavior by employers towards low laborer /worker in the work place, and (iv) compulsive and forced work governed by traditional related obligations.³⁶ Through differential pricing in sale, purchase and hiring activities ranging from raw materials to finished goods Dalits are disadvantaged.³⁷ They are also denied the sale or purchase of land for agriculture and non-agricultural use.

Dalits mostly indulge in back breaking manual labour such as stone breaking, farm labourers, cleaners of latrines, manual scavenging, bonded labour, etc. They are also forced to work as menial labourers, landless farm workers and peasants, and forced into various other menial labour such as washing clothes, collecting human faces, beating drums, washing clothes, cutting hair, etc. All these menial work are expected of them as a part of their descent based role in society. There is no escape for Dalits from this fate in rural and semi-urban Hindu society where system dominates.

Dalits live in the most congested and cramped slums in villages, towns and urban areas consisting of huts or ghettos, which are, damp and cramped. Dalits live in the most insanitary conditions with no access to public health and sanitation amongst open sewers and open-air toilets. There are no state sponsored public housing rights or public health rights in India.³⁸

A steady migration of Dalits from rural and semi-urban areas to cities for jobs and other livelihoods has caused an expansion of urban slums in big metropolises. In these city slums Dalits live in the same despicable living conditions with lack of sanitation, housing and health, while providing the much needed manual labour for construction, transport, heavy industries and also other menial work such as domestic work that fuels the creation of urban wealth and development, while they are rewarded with squalor and a pittance.

The denial of the right to work and free choice of employment lies at the very heart of the caste system. Denial of free choice of employment and allocation of labour because of are fundamental tenets of the caste system and are integral to sustaining caste inequality and hierarchy. Dalit's talents, merits, and hard work are of little consequence in a system where occupational status is determined by birth.³⁹

³⁶Sukhadeo Thorat, M. Mahamallik and Ananth Panth. “, *Occupation and Labour Market Discrimination*” - A Study of Forms, Nature and Consequences in Rural India. Report Submitted to International Labour Organization, Available On www.ILO.com, [Accessed On 03 January 2014].

³⁷Ibid.

³⁸Singh, Akhilesh Kumar. *Atrocities Against Dalits on Rise*, The Times of India (January 10, 2008).

³⁹Amit Chamaria, *A glance at reality*, The Indian Express, October 16, 2007.

Dalits are forced to work in “polluting” and degrading occupations such as manual scavenging and are subject to exploitative labour arrangements such as bonded labour, migratory labour, and forced prostitution. Dalit children are also vulnerable to child labour in these and other areas. Private employers also discriminate against Dalits in hiring and in the payment of wages. Dalits’ attempts to enforce their rights are met with retaliatory violence and social and economic boycott.⁴⁰

Manual scavenging is a practice by which Dalits remove excreta from public and private dry pit latrines and carry them to dumping grounds and disposal sites.⁴¹ Though long outlawed, the practice of manual scavenging is practiced in most states. According to unofficial estimates, the number of manual scavengers in India may be as high as 1.3 million.⁴² Private and public employers, including the military engineering services, the army, the railways, and other organs of the state, employ manual scavengers. The occupation of manual scavenging is both –caste-based and hereditary. It is also the only economic opportunity available to many Dalit women thus the result is that more Dalit women and girls work as manual scavengers than Dalit men do.⁴³ Manual scavengers are at the very bottom of the caste hierarchy; they also face discrimination from other Dalits who treat them as “untouchables,” creating an unquestioned “untouchability” within the ‘untouchables...’⁴⁴

The entrenched discrimination against manual scavengers makes it difficult to find alternative employment pursuant to government rehabilitation schemes, and even more difficult to convince scavengers that they are able to take on, or are “worthy of performing,” different occupations. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or its rehabilitation program has not alleviated these problems.⁴⁵

State Sponsored Atrocities

State complicity is also a reason for the increasing atrocities on Dalits because the persons in power are among the upper castes who do not take keen interest in preventing atrocities on Dalits rather connive with the perpetrators of atrocities. However, the state has played an important role in protecting the rights of Dalits, still the state’s complicity with upper class especially in case of the police shows the acquiescence of the state as a whole.⁴⁶

⁴⁰Human Rights Watch, India, *Small Change: Bonded Child Labour in India*, Vol.15, No.2(C), January 2003, p. 43

⁴¹Balakrishnan Rajagopal, “From Promise to Performance: Ecological Sanitation as a Step Towards the Elimination of Manual Scavenging In India, Massachusetts Institute of Technology, September 2006, p. 6, Available On http://mit.edu/phrj/dalit_report_final.pdf (Accessed on December 8, 2013).

⁴²Ibid.

⁴³Annie Zaidi, “India’s Shame,” *Frontline*. October 4–17, 2007.

⁴⁴Human Rights Watch, *Supra n. 40*, p. 41.

⁴⁵Siddharth Narrain, *Abolition of Manual Scavenging Slow*, The Hindu, February 26, 2006.

⁴⁶Manoranjan Mohanty, “Why Atrocities on Dalits Persist”, Available at http://www.boei-india.org/download_en/mohanyhy_amritha_corrected.pdf, (Accessed On 22-01-2014)

'Report on Prevention of Atrocities against Scheduled castes' (NHRC, 2004, Delhi) similarly underlined the way the 'State has failed in this respect' on 'several fronts' while ensuring justice to these sections. These include 'failure to effectively implement the laws relating to atrocities against Dalits which is 'reflected both in respect of preventing violence from taking place' as well as in the 'inability to punish perpetrators of violence after the crime is committed'.⁴⁷ Police brutality is another form of state sponsored atrocity against Dalits. Although Police is the protector of law and it is one of the duties of the police to save the Dalits from atrocities up on them by others, but unfortunately, instead of saving them from atrocities, commit atrocities on them, then the position of atrocities becomes grave. Police also commit atrocities on the Dalits by implicating them in false criminal cases. It is disgusting that the protectors of law who are entrusted with the duty to save and safeguard Dalits commit atrocities on them.⁴⁸ A review of the political, social, economic and cultural status of Dalits in India shows the state party to be in violation of its obligation to respect, protect and ensure Convention rights to all individuals in its jurisdiction. India routinely denies the Dalits the rights and privileges that many of its other citizens take for granted.

The State Party has also failed to ensure that private actors, in particular upper caste-community members, observe the prohibition on discrimination. Retaliatory violence, social and economic boycotts and exploitative labour conditions enforced by private actors are unchecked, resulting in violation of Dalits' rights to personal security and other rights that are notionally guaranteed by the Constitution and various legislative measures. The widespread practice of "untouchability" and the violation of Convention rights it entails necessitates that India undertake comprehensive review and reform of the existing law, policies and practices that enable the extreme marginalization and persecution of Dalits to continue unabated.

Atrocities against Dalit Children

Dalit children are subjected to human rights abuses as well. These children are common victims of bonded labour practices, even though bonded labour is outlawed in India. When Dalit families become indebted to moneylenders to pay for emergency health services or daily sustenance needs, Dalit children are often forced to work off these debts. Due to the purposefully low wages these children are paid, they can rarely ever earn enough money to pay back their debts and break free from their labour obligations. Additionally, Dalit girls are often selected for the practice of devadasi, or marriage to temple deities. As part of devadasi, these girls must serve in the temple and perform sexual services for temple workers. Dalit children do not have access to education due to the lack of mandatory and universal primary and secondary education in India. Even in rural areas where there may be schools, Dalit children are ostracized, oppressed and

⁴⁷Supra n. 5

⁴⁸ Human Rights Watch, A report on '*Discrimination Against Dalits or So-Called Untouchables in India*', 2007, Available on: <http://www.refworld.org/docid/3ae6a83f0.html>. [Accessed on 28th Jan. 2014].

stigmatized from attending school and even they are discriminated even while they eat also other higher-class people beat these children.⁴⁹

Dalit Children are also subjected to atrocities such as rape, physical abuse and murder. Dalit children have a high level of malnutrition and ill Health. They do not have pure water to drink. They live in very cramped living conditions. They are frequently forced into sexual abuse in rural areas, and ordained into temple prostitution as a part of religious rituals for exploitation by non-Dalitmen of the village or town. Therefore, these people have more chances of HIV and other disease.

Atrocities on Dalit Women

The Dalit community constitutes about 250 million people and almost half of them are women. Dalits are the most marginalized group in the hierarchy of Indian society. They are highly prone to incidents of violence against them, ranging from verbal abuse to physical assault, sexual harassment, rape and even murder. Studies on violence against Dalit women in India presents clear evidence of widespread exploitation and discrimination against these women subordinated in terms of power relations to men in a patriarchal society, as also against their communities based on caste. Women experience triple discrimination based on their caste, their economic situation and their gender. In rural India, 70% of Dalit women are illiterate. In the Southern States, thousands of girls are forced into prostitution before they reach puberty. Temple prostitutes or Joghinis (literally 'female servants of God') are usually Dalit. Once dedicated, the girl is unable to marry, forced to become a prostitute for upper caste members and eventually auctioned off to an urban brothel.

Violence against Dalit women reinforces caste norms wherein they are seen as available for all forms of violence, especially sexual violence. According to India's National Commission for Women,⁵⁰ "in the commission of offences against Dalit women, the dominant offenders try to establish their authority and humiliate the community by subjecting their women to indecent and inhuman treatment." Further, when they transgress caste norms such as those prescribing endogamy or untouchability practices, or assert their rights over resources or public spaces, violence is unleashed on them.

The UN Special Rapporteur on Violence against Women has noted that Dalit women "face targeted violence, even rape and death from state actors and powerful members of dominant castes, used to inflict political lessons and crush dissent within the community".⁵¹

Certain kinds of violence are traditionally reserved for Dalit women. Not only people of higher castes, but also within their own communities discriminate against them, where

⁴⁹ Omprakash Valmiki, "The Indian Caste system and Dalit Repression", in RS khare (ed.) *Caste in Life* (2011), p.136.

⁵⁰ National Commission for Women, *Women of Weaker Sections: Socio-Economic Development of Scheduled Caste Women* (1996), p.33.

⁵¹ UN Special Rapporteur on Violence Against Women, *Cultural Practices in the Family that are Violent towards Women*. UN Doc. E/CN.4/2002/83 (2002), para.53.

men are dominant. Consequently, Dalit women have less power within the Dalit movement itself. Although they are active in large numbers, most leadership positions in the organizations, local bodies and associations have until now been held by men.⁵² Dalit women faces many kind of atrocities which include extreme verbal abuse and sexual epithets, being paraded naked, dismemberment, being forced to drink urine and eat fasces, branding, pulling out of teeth, tongue and nails, and violence including murder after proclaiming witchcraft. Dalit women are also threatened by rape as part of collective violence by the higher castes, but sexual assault and rape of Dalit women and girls occur within their own communities too. The devadasi (or jogini) system of forced temple prostitution is the extreme form of exploitation of Dalit women.⁵³ In spite of its severity and frequency, most cases of violence against Dalit women are not registered. The lack of law enforcement leaves many Dalit women unable to approach the legal system to seek redress. As the women are often unaware of the laws, their opponents, the police and the judiciary easily exploit their ignorance. Even when cases are registered, the lack of appropriate investigation, or the judge's own caste and gender biases can lead to acquittal.

Forms of atrocities against Dalit women

Major forms of violence against Dalit women includes physical assault, verbal abuse, sexual harassment and assault, rape, sexual exploitation, forced prostitution, kidnapping and abduction; and three being violence in the family – female foeticide and infanticide, child sexual abuse and domestic violence from natal and marital family members. The more frequent forms of violence that are perpetrated against the majority of Dalit women are verbal abuse, physical assault, sexual harassment and assault, domestic violence and rape, in descending order. Child sexual abuse in terms of particularly early child marriages and sexual relations with minor Dalit girls below the age of 16 years is also prominent.

The majority of Dalit women face atrocities in public spaces – streets, women's toilet areas, fields, etc. – in and around their villages and towns. The next most common place for violence is within the home. Aside from domestic atrocities, a number of women face physical assaults, verbal abuse, sexual harassment and sexual assaults in their very home from non-family members. Finally, government spaces become grounds for atrocities where women are forcibly incarcerated, verbally abused, sexually harassed or raped in police stations.⁵⁴ Otherwise, verbal abuse is the most common form of violence meted out in government spaces from a range of government actors including the Police, District Administration Officials and Doctors.

Within the wide range of identified perpetrators of atrocities against Dalit women in the general community, dominant caste landlords emerge as the most prominent group. Police also emerge as key perpetrators of violence against Dalit women. They are not

⁵²Ruth Manorama, *Human Right and Dignity of Dalit Women*, Report of the Conference in Hague (26th Nov. 2006).

⁵³ Singh A.K., *Crimes Against Dalit Women*(2011), p.54.

⁵⁴Bakshi R K., *Dalits and Human Rights* (2010), p.83.

active perpetrators; they also act in a significant number of cases in collusion with the perpetrators by failing to enforce the law when violence against Dalit women takes place. Two other groups of perpetrators whose numbers are significant belong to the professional category, namely doctors and teachers. In addition, there are a large number of “other dominant caste persons” as perpetrators.⁵⁵

Moreover, often this violence is committed by these perpetrators not only as individuals, but also as group violence involving people of the same status or different status; finally, a number of “other Dalit persons” are either active perpetrators of violence against Dalit women, or colluders in the violence. While in some instances the perpetrators of violence belong to one homogenous dominant caste, there are instances where they cut across all dominant caste lines, that is, backward castes and forward castes.⁵⁶ This is particularly so where the Dalit woman is seen to transgress established norms, for example, by asserting her rights in defiance of „untouchability“ practices. The punishment meted out, therefore, takes on the form of collective punishment that is both expressive of caste outrage as well as instrumental in terms of teaching the woman and her community a lesson of „obedience“ to caste norms. Otherwise, sexual violence against Dalit women often takes a collective caste aspect, in terms of gang rapes or forced prostitution.⁵⁷ In the realm of political rights, several Dalit women’s assertions of their basic political rights provoke violent dominant caste backlashes. The issues that led to violence are Dalit women contesting Panchayat elections; Dalit women exercising or attempting to exercise political authority as elected Panchayat representatives. Finally, violence also takes place when Dalit women sought justice and the protection of the law for atrocities done to them, or to forestall such action.⁵⁸

Similarly, Dalit women face atrocities in the family over a range of issues, suggesting the assimilation of the larger patriarchal caste system’s norms by particularly Dalit men, with negative implications for Dalit women’s personal lives and interactions in their community. When it comes to domestic atrocities, however, the causes for this violence are much more nuanced and varied. Gender inequality and norms of female subordination formed a major category of causal factors for violence meted out by natal and marital family members to Dalit women.⁵⁹

Conclusion

⁵⁵*Id.* p.96.

⁵⁶Irudayam, A., Mangubhai, J.P. and Lee, J., *Dalit Women Speak Out: Violence against Dalit Women in India*. Chennai: National Campaign on Dalit Human Rights, National Federation of Dalit Women, and Institute of Development Education, Action and Studies(2006).

⁵⁷*Ibid.*

⁵⁸In India this applies to the *Scheduled s/Scheduled Tribes (Prevention of Atrocities Act 1989 and the Protection of Civil Rights Act 1955* – and measures to ensure the abolition of “untouchability” in compliance with Article 17 of the Indian Constitution.

⁵⁹In 2007 the Committee on the Elimination of Discrimination against Women made specific recommendations on this issue in its Concluding Comments in the review of India (*CEDAW/C/IND/CO/3*).

From the social point of view, the dalit suffered many disabilities that amount to social discrimination. Since social status was fixed for different castes, therefore, the untouchability was placed at the lowest place in the caste hierarchy and enjoys lowest status in the society.

Dalits are perpetually subjected to humiliation and degradation through informal but strictly imposed codes that regulate their dress and their behaviour in the presence of upper- community members. Dalits are denied equal access to public streets and areas by upper-castes. Dalit men are often forced to stand in the presence of upper caste- men on roads, or to bow to them. Dalit women often adopt a humble demeanour and maintain a submissive posture to show respect to upper-castes. Dress codes imposed by upper caste, which forbid Dalits from wearing new or brightly coloured clothes. Clean clothes are also often forbidden by the upper caste in rural India. In some upper-caste neighbourhoods, Dalits are expected to remove their shoes and dismount from bicycles when on public streets.

The prohibition on inter-dining operates in restaurants, hotels, tea-stalls, and schools in addition to private homes. In many teashops and dhabas (food stalls), separate crockery and cutlery are used for serving Dalits. The “two-glass system”, whereby Dalits use a separate set of glasses for tea-drinking which they are then required to wash themselves is a common practice in many south Indian states. Dalits are routinely denied access to police stations, government ration shops, post offices, schools, water facilities and village panchayat offices.

In urban environments, Dalits' right to housing is compromised by discrimination. For example, the unwillingness of upper-caste urban dwellers to live near or with Dalits means that Dalits seeking housing in urban areas will typically face a litany of questions from potential proprietors seeking to determine their status. Similarly, housing developments built by Dalits or occupied by Dalit residents are adversely in comparison with the demand and price for comparable housing.

Therefore, in almost all the social structure of a society whether it is in urban or rural area, Dalit faces different kinds of atrocities, which isolated them from accessing social justice, equality and dignity.