

VIOLATION AGAINST DALIT WOMEN

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Abstract: It's a fundamental right of every citizen to live with dignity and safety without any discrimination on the caste, creed and sex. Human rights are not given but they are existing in the society but in spite of all this Human rights are violated in the society and the discrimination is being made by the citizen itself, but human rights of Dalit women are violated extremely and in peculiar form. Dalit women are in worst position than dalits in general they suffer triple burden effect.

Keywords: Dalit, Dignity, Fundamental Right, triple burden effect.

For arise of violence: 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 [1].

Going back to the Ancient India (3200-2500 B.C.), the caste system was non-existent since even the most learned men were good householders and had varied occupations. The women of ancient India were just as superior as men in learning, education, and intellect. The choice for her mate was according to her own wishes and marriage was practiced after the coming of age. She attended parties, competitions, and religious functions as she wished. The remarriage of young widows was also a common practice

Then the problem arose with the creation of number of religious books including the Manusmriti, Atharva Vedas, Vishnu smriti, and many others like these and their strict compliance by the Brahmins [2] which gave birth to caste discrimination as well as gender discrimination. Architecture of Indian Constitution Dr. B.R Ambedkar made it clear in his article title "*The rise and fall of Hindu woman*" that the root cause of suffering for women in India are these so called Hindu religious books" Books like the Manusmriti divide people into a stratified caste system and promotes inequality between men and women According to the Manusmriti, women have no right to education, independence, or wealth. It not only justifies the treatment of dalit women as a sex object and promotes child marriage, but also justifies a number of violent atrocities on women as can be seen in the following verses:

- A man, aged thirty years, shall marry a maiden of twelve who pleases him. Or a man of twenty-four a girl of eight years of age. If (the performance of) his duties would otherwise be impeded, he must marry sooner [3].
- By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house [4].
- Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect

(her) in old age; a woman is never fit for independence [5].

- A Brahman, Kshatriya, or Vaishya Man can sexually exploit any shudra woman [6].

- Women have no right to study the Vedas. That is why their Sanskar as are performed without Veda Mantras. Women have no knowledge of religion because they have no right to know the Vedas. The uttering of the Veda Mantras is useful for removing sin. As women cannot utter the Veda Mantras, they are as unclean as the untruth [7]

Even the killing of a dalit woman is explicitly justified as a minor offence for the Brahmins which they said was equal to the killing of an animal. If the killing of an untouchable was justified as a minor offence, it can be imagined of the treatment they received throughout their lives.

In a male dominated society, Dalit women suffered unimaginable oppression, not only through caste, but gender too, from which there was no escape. The laws in the Manusmriti and other Vedic scriptures close all economic, political, social, educational, and personal channels through which Dalit women could be uplifted. The Laws in the Manusmriti were incorporated into Hinduism because they were favorable only to the Upper castes, which form the majority of India. Even today, in modern times, we see the severe oppression and exploitation of Dalit women. The Laws of the Manusmriti have a devastating effect on the level of education reached by Dalit women.

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 [8].

According to the National Commission for Scheduled Castes and Scheduled Tribes, the majority of the educated people are of the upper caste, many of which may practice caste-based discrimination. Therefore, Dalit girls feel discouraged to enter education and we see the lowest literacy rate for Dalit girls compared to the Total population of educated upper caste girls. The Annual Report of University Grant Commission for 1999- 2000, shows that Dalits

in general have very low participation rates in higher education.

Form and frequency of violence: Let us begin with the definition of the word '**violence**' for our purpose. Violence is an act of aggression and abuse that causes or intends to cause injury, harm to persons. It also connotes an aggressive tendency to act out destructive behavior. Violence can be both random as well as coordinated, which includes actions carried out by sanctioned or unsanctioned violent groups. Aggression is behavior that is intended to cause not only harm but also pain. Aggression can be physical as well as verbal. Abuse causes harm. In the context of a dalit woman it can be sexual, physical and verbal. It can inflict harm to the body and can also injure feelings. An atrocity describes crimes or excesses ranging from an act committed against a single person to one committed against an ethnic group. When we are talking about violence or atrocities against dalit women, we have to take into consideration all these aspects. Violence against women is a term used to collectively refer to violent acts that are primarily or exclusively committed against women. Victim's gender is the primary motive for the violence. The United Nations General Assembly defines "*violence against women*" as "any act of gender-based violence that results in, or is likely to result in physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

The Indian caste system is not a "divine proclamation" and the Vedas do not refer to any mandated caste system as a part of the Hindu religion. Moreover, other religions like Muslims, Sikhs and Christians also practice it in some manner. Broadly speaking, the caste system can be viewed as a system of exploitation of the poor, low ranking groups by more prosperous high-ranking groups. For ages, land has been largely held by dominant castes, high ranking owners of property that economically have been exploiting the low ranking, landless labour and poor artisans, simultaneously looking down upon them with ritual emphasis on their "God-given inferior status".

There are nine major forms of violence against Dalit women; six being violence in the general community – physical assault, verbal abuse, sexual harassment and assault, rape, sexual exploitation, forced prostitution, kidnapping and abduction; and three being violence in the family – female feticides and infanticide, child sexual abuse and domestic violence from natal and marital family members. More often Dalit women are the victim of verbal abuse, physical assault, sexual harassment and assault, domestic violence and rape. Even child abuse is prominent

among dalit it is frequent practice of children below age of 16 years is frequent.

A recent three-year study of 500 Dalit women's experiences of violence across four Indian states revealed that the majority of Dalit women faced one or more incidents of: [9]

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| Verbal abuse | 62.4% |
| Physical assault | 54.8% |
| Sexual harassment & assault | 46.8% |
| Domestic violence rape | 43.0% |

As far as violence in the family is concerned, husbands, the Dalit women's in-laws, her relatives and husband's relatives are perpetrators of violence, even police plays role in violation against Dalits may be not by directly exploiting them but indirectly by taking no action when the violation is done against them in the society.

Identified a causal factor for violence in the general community lies in the area of Dalit women's civil rights. Another factor for violence in the general community, given the aspect of economic exploitation built into the caste system, related to economic resources – land, or other economic resources/capital such as wages, payment for services, etc. – and particularly Dalits asserting their rights to own or utilize resources.

The systemic nature of violence against Dalit women is accompanied by equally systemic patterns of impunity. In 2006, the official conviction rate for Dalit atrocity cases was just 5.3 percent [10].

According to the Ministry of Labour, 85% of the dalit women work as agricultural laborers, scavengers, sweepers and disposers of human waste. More dalit women in their population proportion (16.5% SC, 7.5% ST) should be given chance to enter in the system like police, Judiciary, Education, health politics. Session can be organized for dalit activist and women activists to sensitize them about the magnitude of torture and oppression faced by the dalit women. Legal education dealing with protection of human rights of dalit and prevention of Atrocities Act (1989) can be organized to prevent the problems of classism.

Dalit women and law: The preamble of Indian constitution adequately empowers the central and state government to eliminate human right violation in the country. **Article 17** of the constitution provides for removal of untouchability. Based on this article protection of civil Rights Act' (PCR) was passed in 1995. However, there was no convictional under this Act hence. Thirty four years after the introduction of PCR Act, the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act 1989 was enacted to bring various forms of atrocities to an end. In this Act the complainant is given more weightage. There are

stringent provisions against the police for negligence [11]. The Protection of Civil Rights Act is an Act to prescribe punishment for the preaching and practice of untouchability," and for the enforcement of any disability arising there from. The Act has defined "civil rights" as a right accruing to a person by reason of the abolition of "untouchability" by Article 17 of the Constitution; "Scheduled Castes" has the meaning assigned to it in clause (24) of Article 366 of the Constitution. Whoever is found guilty on the ground of "untouchability" shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not be less than one hundred rupees and not more than five hundred rupees.

Part IV of the constitution lists the Directive Principles of State Policy, including Article 39(b) of the constitution which provides that the state direct its policy toward ensuring equal pay for equal work for men and women. Section (a) of the same article provides that the state shall, in particular, direct its policy toward securing that citizens, men and women equally, have the right to an adequate means of livelihood. Section (c) requires that the state secure the health of workers, men and women, and ensure that children are not abused, and citizens are not forced by economic necessity to enter vocations that are unsuited to their age and strength. Finally, Article 44 of the constitution asks that the state strive to introduce a uniform civil code for citizens so that varying religious codes do not dictate the personal laws governing women's lives. These provisions cannot be enforced in the state through courts as they are a "directive principles" of state policy [12].

In spite of all the Constitutional safeguards as well as different laws meant to support women's honor and dignity, the strong impact of caste even on the judicial system has been witnessed in country like that in the case of Bhanwari Devi. A look at the implementation of laws on reforms like the PCR Act [13] and the SC/ST Act for dalits shows that there are many laws to bring about social equality but they have hardly made an impact on the mindset of the upper castes. As per the directions of the state government, the district collectors have been authorized to provide monetary compensation to the victims as per their wisdom but the total amount distributed is very small compared to the number of offences.

Even after so many years of independence which saw India establishing democratic institutions, taking great strides in economic development and aspiring to be a global power, the country still struggles in the clutches of the caste system which has denied generations of Dalits, considered in the lowest rungs of the caste system and hence polluting, their rights and human dignity.

Article 14 of India's constitution ensures equality by providing that: "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." Article 15(1) provides that the "State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them," while articles 16(1) and 16(2) prohibit discrimination in general, and gender discrimination in matters of public employment. To promote equality, Article 15(3) provides that the state is free to make "any special provision for women and children."

Violation of laws: As is amply evident, millions of people – majority of them women – across the country continue to be held captive by the inhuman and degrading tradition of manual scavenging. It is because of this caste-based tradition that they remain deprived of their constitutional and statutory rights to equality, liberty, education and social development. Manual scavenging is virtually a form of modern-day slavery that violates the following.

1. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
 2. Bonded Labor System (abolition) Act, 1976.
 3. Section 7(a) of the Protection of Civil Rights Act, 1995, which deems anyone forcing another person to engage in bonded labor, manual scavenging or disposing animal carcasses to be committing a criminal offense punishable with 3 to 6 months of imprisonment and fine up to Rs 500.
 4. The practice of manual scavenging violates articles 14, 17, 21 and 23 of the Constitution.
 5. Vishakha guidelines and Protection of Women from Sexual harassment at workplace.
 6. Various provisions of the Universal Declaration of Human Rights and CEDAW which hold all human beings to be equal and to which India is a signatory.
- The police and the judiciary are supposed to safeguard vulnerable communities, and especially the Dalit women, not only by punishing those who commit violence against them but also by preventing any kind of violence towards them. However, in the light of the cases that were brought before the tribunal today, what is absolutely clear is that the criminal justice system has failed completely in fulfilling their assigned role. In fact, they have become one of the most hated structures through which violence against Dalit women is being perpetuated today. They pretend to make the fake F.I.R's forcefully women are made to give false statements. This states that the police are fully supporting these activities instead of safeguarding the rights of the victim. For this they not only tamper with evidence, but as seen in some cases, they are also employed by State Governments to suppress

spontaneous and peaceful protests against the violence of Dalit women [14].

Conclusion: At the threshold of 21st century it is absolutely necessary that common people opened to be sensitized about the prevailing atrocities against Dalit Women. There is a growing need to capture violation of human rights of dalit women, so that talent and potential of Dalit Women can be used for development of nation. According to vippal a nation does not prosper only on fertile soil, dense forests and overflowing rivers. It is the healthy people who make a nation. A society is made up of both men and women from all states. If women from whichever state is weak and exploited, it is not a healthy society, and when a society is healthy, then the nation will march

ahead. To fulfill these dreams women in general and particularly from weaker section need to be empowered for development of the nation [15].

Many of the Dalit NGO's are involved in establishing schools, scholarships, and basic supplements to Dalits in the rural parts of India. NGO's such as the Ambedkar Centre for Peace and Justice and the National Campaign on Dalit Human Rights are involved in bringing the plight of the Dalit people to the attention of the international community and to document and publicize human rights abuse. The long term objectives are to enfranchise Dalits as full citizens of their society and eliminate caste-based discriminations.

References:

1. The information in this briefing note is based on the 2006 study on Violence against Dalit women in India prepared by the National Campaign on Dalit Human Rights
2. Upper priestly Hindu caste
3. Manusmitri IX.94
4. Manusmriti V.147
5. Manusmriti IX.3
6. Manusmitri IX.25
7. ibid
8. Manusmriti IX.18
9. Caste-wise, both forward castes (FCs) and backward castes (BCs) are seen to engage in violence against Dalit women, either as individuals or as a group. Dalit perpetrators are also present in significant numbers, as mentioned above.
10. Irudayam, A., Mangubhai, J.P. and Lee, J., 2006. 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
11. National Crimes Record Bureau, 2006. Crimes in India 2006. New Delhi: National Crimes Record Bureau
12. Pal, R and Bhargav, G (1999), Human Rights of Dalits: Societal Violation, Gyan Publication, New Delhi.
13. Human Rights Watch interview with Ruth Manorama, Bangalore, July 25, 1998. The National Federation for Dalit Women is a secular, democratic organization with representatives from twenty-seven Indian states and union territories. It represents the first major effort to nationalize the Dalit women's movement
14. Protection of Civil Right Act, 1995
15. Round Table India - Preliminary Report: National Tribunal - Violence against Dalit Women, 02/10/13 21.09

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