

DALITS AND HUMAN RIGHTS

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SUMMARY

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Dalit situation of Rajasthan

Caste system is still very strong in Rajasthan, there is a clear division between the 'upper' and 'lower' castes, with upper castes usually the more economically and socially powerful groups in the local hierarchy. They mediate between poor people and State also exercise influence in the social affairs at the local level. Caste continues to be significant with regard to social relationships, marriage and occupational pursuits and in influencing people's livelihood choices and strategies. Access to justice and natural capital (including common property resources, water and forests) is highly correlated with caste status in Rajasthan. Thus across the State, Scheduled Castes have the least land and livestock and the poorest access to groundwater and irrigation sources. The unequal distribution of land is therefore exacerbated by differentiated access to water. Because drinking water is a scarce and precious resource in the extremely dry parts of western Rajasthan, its management is a source of power that has been exercised by powerful sections of the community to maintain their control over marginalized groups. For example, if the village only has one source of water that is located in the upper castes locality, members of lower castes are often expected to provide free farm labour to the upper castes in exchange of water. In other cases, they are not even allowed to fetch water from the source and have to fetch water from a source located some distance from the village Rajasthan has a dismal record of offences against the Dalits and justice, protection and fair deal denied to them in they have very little access to justice.

There is extensive discrimination against and abuse of Dalits in all parts of Rajasthan. These abused include name-calling by caste, grabbing and encroaching their land, denial of such services as even that of the barber's, segregation of schoolchildren, forcing Dalits to sit at the back of the classroom, prohibition of rituals such as riding a horse during weddings, and gross inequality in access to water and other common resources like pastures and wastelands. There is systematic discrimination in State-run employment generation and drought-relief programmes as well.

It has population of about 56,507,188 according to the census 2011. Of which, the Schedule Caste population is 9,694,462 which consists of 4,626,783 females and 5,067,679 (Census 2011)

It is most disappointing factor that in this feudal State of Rajasthan, which is now on the second level in the top ten atrocity prone states in country with the 7.4% of increasing rate, the Dalits are facing violence, discrimination and atrocity at all levels of life like at economic, political, cultural, educational, religious and social levels. It is also learnt that the coordination between the authorities, officials who are responsible for the effective implementation of the Act is badly lacking. The preventive and Accountability Mechanism at the State or National level have not proved that effective to put the check on the increasing atrocities against the Dalits especially against the Dalit women, create awareness among the Dalit folks, building sensitivity among the law enforcing agencies, accelerate the justice delivery system and inject the sense of fear in the dominant caste people. On the contrary it is noticed that day by day the new forms of the atrocity are coming into existence which need to be included into the law and some new safety measures need to be incorporated in the legislation. The current safeguards appear not be sufficient enough to prevent the atrocity forms. Innovative and sturdy provisions are required to be included to make the preventive and accountability mechanism more active, effective and punitive.

In this context, it is experienced and observed that it has been a long period of more than 24 years for the SC/ST (Prevention of Atrocity) Act 1989 to be enacted but the prime objectives of this Act have been achieved so far. The atrocity and violence against the Scheduled Caste and Scheduled Tribe communities is continuing to increase day by day. The Dalits are deprived of the important entitlements of the law like proper security, safety, Justice and compensations. The low conviction rate and high acquittal rate is also a matter for deep consideration. It is an attempt by CDR with the support of National Dalit Movement for Justice by using their experience of monitoring of dalit atrocities for the past 4 years and also the interventions made at the various level to bring out the true picture of the nature and extent of atrocities committed against Dalits in Rajasthan and the overall implementation of the prevention of Atrocities Act.

agriculture lands. The feudal mindsets prohibit Dalit access to public services and places and limit their participation in democratic Institution.

The SCs & STs (PoA) Act - Its Significance

Though abolished and forbidden by Article 17, the practice of "Untouchability" persists due to its systematic character. Hence, the Indian Parliament enacted the "Untouchability" Offences Act 1955, which underwent amendments and renaming in 1976 to become the Protection of Civil Rights (PCR) Act. Under this, "Untouchability" as a result of religious social disabilities was made punishable. However, the Act suffered from legal loopholes, the punishments being less punitive a compared to those under the Indian Penal Code, and the and order machinery being neither professionally trained nor socially inclined to implement such social legislation. Hence, a more comprehensive and punitive Act was required to protect SCs and STs from violence committed by other communities. This gave rise to the SC/ST (PoA) Act 1989. The basic objective and purpose of this more comprehensive and punitive piece of legislation was sharply enunciated when the Bill was introduced in the Lok Sabha. The objectives of the Act, therefore, very clearly emphasize the intention of the Indian state to deliver justice to SC/ST communities through affirmative action in order to enable them to live in society with dignity and self-esteem and without fear, violence or suppression from the dominant caste.

This Act is a very significant and progressive law, ever enacted for the most under privileged, deprived, marginalized vulnerable and forgotten section of the society of the India. Considered ritually impure, SCs have been physically and socially excluded from mainstream society, denied basic resources and services and discriminated against in all areas of life. Besides the discrimination and denial of the basic human rights, this section has been subjected to all forms of the violence for centuries. Because of the acute poverty, lack of representation in the politics, powerlessness, social backwardness and deep rooted caste based mentality, it was almost impossible to get justice and relief out of the then existing social, political, justice delivery system. This law is the first ever reformative law rather than a punishment law as the other existing legislations. There are some salient features of this Act which make it different and extraordinary.

Dalit Communities comprise roughly one fifth the total population of Rajasthan, Meghwals, Jatavs, Bariwas, Chamar, Bunkar, Raigars, Balai's, Khatik, Jatias, and Jingar are the major communities, Yet only a few Dalits are in administration, bureaucracy and the legislature. Leatherwork has been traditional occupation of the dominant Dalit castes. However, this has been changing and today Dalits are found doing menial work of other kinds too. A brief description of these castes are given below:

Meghwal: Perhaps this community is the largest one amongst Dalits in Rajasthan. They mainly inhabit the Western, Southern and Central regions of Rajasthan. While a few pockets of Meghwal families are engaged in shoe-making, today most of them are small farmers, and farm laborers, with some engaged in some other manual work.

Jatav: The Jatav community is found in eastern districts of the State, namely Bhartpur, Alwar, Dholpur, Karauli and Sawai Madhopur. Jatavs who are marginal farmers and agriculture laborers, have become vocal and assertive about their rights.

Bairwas: Bairwas are mainly found in Alwar, Sawai Madhopur, Jaipur, Dausa, Kararuli, Kota, Ajmer, Bhilwara and Tonk districts. Bairwas are economically better off than many other Dalits of Rajasthan. In urban areas they engage in petty business and provide labour, and in rural areas they are mainly marginal farmers and agricultural workers.

Raigars (Jatia): This community mostly lives in Alwar, Dausa, Jaipur, Ajmer, Sawai Madhopur, Karauli, Tonk, Jodhpur, Barmer and Pali districts. They are still engaged in shoemaking and are economically strong, with many of them also working as agriculture labour or own small farms.

Chamar, Balai, Bunkar: These communities too have started calling themselves as Meghwals. They live in the Central and Northeastern parts of the state. Some of them are still engaged in leather related work, while the majority is small farmers and laborers.

Khatik: This is the richest community among the Dalits. They live mainly in Jaipur, Bharatpur, Alwar, Amer, Bhilwara, Tonk and Kota, and engaged in cattle business.

Rajasthan retains much of its feudal and caste ridden nature of society, characterized by social exclusion, every day humiliation, Discrimination, untouchability and other Human Right violations against its Dalit people. Dalit sow marginal or very small pieces if

This report explicitly speaks about the trends and the nature of untouchability practices and extent of atrocities in Rajasthan, examines the role and response of the enforcement authorities in implementing the various provisions of this act and also highlights the various gaps in the implementation of PoA Act and Rules. This report analyses the performance of functions of certain special mechanism and accountability mechanisms such as the State and District level Vigilance and Monitoring Committees, Special Courts and Special Public Prosecutors, Nodal officers, Special Officers, etc.

This report will play a critical role in holding the state government accountable in implementing the PoA Act by bringing out the gaps and the negligence of government authorities in implementing the Act. This will also assist to set up institutional mechanism among various stake holders those who are playing the important role in implementation of this Act and also sensitize the statutory bodies to regulate as per Act. This report will lead to set some strategies to build strong network at state level to lobby and advocacy with the government.

Gh. 213

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