

FACT SHEET

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Atrocities on Dalits Untouchability: A Historical Overview

Editorial

The Brahmanical social order was based upon the rigid compartmentalisation of the common people into major divisions. The dalits were placed at the bottom of the social hierarchy. It was the toils, tears and labour of the Dalits that made possible the very existence and continuation of the Brahmanical system. Never recognised as full human beings, they were denied access to material, cultural and spiritual resources. They were also deprived of their dignity, selfhood and rights. Dehumanised and humiliated, their relation with the rest of the society was through their obligation to render all services without any claim on returns whatsoever.

This traditional order was not merely an ideological construct but an economic and political structure. It articulated and encapsulated an entire system of production that existed over centuries with only minor alterations within its confines. The economical and political realities of inequalities were justified, defied and glorified through religious pronouncements based on the purity - pollution divide. Traditionally, ritualistic compulsion and coercive oppression ensured their compliance in providing virtually free labour for the upper caste land owners. The fact that they had been denied right over land or territory only compounded the matter by making them completely dependent upon the owners and controllers of the means of production and livelihood.

As is well-known, Dalits have been victims of oppression at the hands of the propertied upper castes and still continue to be so despite the law giving effect to the Constitutional provisions to do away with caste atrocities. The socio-economic condition of Dalits remains unchanged till today and social ostracism still continues. There are subtle, often not so subtle discrimination, denial of public space, the transgression of which brings immediate and often brutal reprisals. Instances like wearing chappals, access to temples to temples, places of worship and eating places can also invite brutal reprisals. Discrimination against Dalits is also political in nature. Often their right to vote is taken away through violent means. In elected Panchayats with reservation for Dalits, elections are either not allowed nor held, or when elected they are not allowed to function. The dominant caste not only continues with the age old caste hegemony but they continue to derail the process so that Dalits are denied the elected office.

The events in Gohana in Haryana where 50 Dalit houses were set ablaze and 25 more Dalit houses were torched in the same week in Akola in Maharashtra are some of the ongoing Dalit atrocities in the country. Those committing such crimes against Dalits know that they can get away with it. State governments in the past have dropped countless cases filed against the upper caste offenders. These incidents reiterate the truth that there is a strong nexus between the dominant caste, politicians and the state machinery.

Atrocities against Dalits and instances of Dalit assertion are treated as essentially a law and order problem and not as social and political ones. In this context combat against violence of the so called upper castes and violation of human and democratic rights of dalits is imperative. The increasing violence both official and private needs to be opposed with all the democratic means available to peoples' organisations, movements and social action groups. Constant vigilance and alertness are necessary to effectively counter this inhuman assault of the decadent forces in our society.

This issue of fact sheet painstakingly chronicles the discrimination and atrocities inflicted upon the Dalits in a secular, democratic and modern state.

Historically untouchability has its roots in the *chaturvarna* system which emphasised graded inequality. It was both legal and penal and anyone transcending it was punished by excommunication from the brahmanical society. Ambedkar believed that the untouchables were earlier Buddhists who had challenged brahmanical supremacy. So when the brahmanical religion re-emerged the Buddhists were treated with contempt, and made untouchables and in some areas unseeable. They were excluded from the dominant cultural sphere and denied access to basic facilities. They lived on the fringes of the society with obligations to provide all menial services to village but without any rights whatsoever. The oppression of dalits has been going on with varying intensity over the past several thousand years.

Technically, Dalits did not come under the Hindu caste society insofar as they were not apart of the *chaturvarna* system. They were treated as the fifth (*pancham*) *varna*, as *avarna*, non-caste untouchables and were required to live a totally segregated existence. The village system however demanded their labour through the prescribed vocations that were considered ritualistically and otherwise impure by others. The kind of tasks that they performed in a typical village setting ranged from carrying the corpses of village cattle, skinning them, tanning their hide, making shoes, drums, harness and Pakhal (water carrying bags) and other articles for the use of farmers, scavenging village roads, making ropes, broom sticks etc. Many of these tasks were not of regular nature and did not absorb entire Dalit population. Hence, many Dalits were also required to labour on farms as landless labourers. In medieval times, under the *Jajmani* system some came to possess small patches of lands as a part of their remuneration in the form of *Enami* lands. Cultivation of these lands supplemented the remuneration in kind that they received from villagers to some extent. However, being invariably insufficient, most of the Dalits laboured on others' fields.

Although the village system was based on the two way exchange of services between castes, Dalits were excluded from this exchange as untouchables. While, they provided their labour to the village system, they did not receive services required by them in return. The return for their labour were always in kind, in terms a fixed share of grains or some such consumables produced in the village that were given to them in the form of quasi-alms. As a result, unlike the Shudra castes, which also were the labouring castes like them but were included in the net of full caste-services in a village, the Dalits had to reproduce entire village system for themselves within their settlements. Dalits had to have their own priests, their own barbers, own gods. It was a veritable mirror image of the caste village system that was constructed outside the village. The mirroring naturally transcended the necessities of production of services and brought in the socio-cultural ethos of the caste village, including untouchability. As a result each untouchable caste thus approximately created its own closed system for its subsistence service exchange

in the image of the larger caste village. For example, the Chamars in Maharashtra, whose caste vocation related to working on animal hide, had their own gods, priests, and possibly barbers etc. and not only that they did not have any transaction with Mahars, but also observed untouchability vis-à-vis the latter. This was approximately true for all the untouchable castes which did not have much of social interaction among them.

The social disabilities continued well into the modern period. When secular education was introduced the dominant castes opposed the entry of untouchables into the schools. The reformers attempts to give equal status did not succeed and the colonial government started separate schools.

The Role of State

The Constitution of India attempted to eradicate the centuries-old graded inequalities prevailing in the Hindu society. Article 14 of the constitution provides right to inequality before law, where as Articles 15, 16, 29, deal with specific rights to equality to the citizens. Article 15 (1) prohibits the state from discriminating against any citizen on the grounds of religion, race, caste, sex or place of birth. The steps undertaken in pursuance of various constitutional provisions for scheduled castes and scheduled tribes can be grouped under three categories namely-protective, developmental and preferential. Abolition of untouchability and the disabilities arising out of its practices in any form and prohibition of bonded labour can be termed as protective. Several educational schemes such as scholarships, hostel facilities are developmental and legislative educational and employment reservations can be placed in the third category. The state has been assigned a crucial role by the Constitution in all these three domains. While these Constitutional provisions have been greatly instrumental in the development of Dalits, the inadequacy of the latter however is traced to the lackadaisical attitude of the state. The experience of the last five decades has been marked by the various commissions and omissions by the state. It is particularly pronounced in the case of the protective provisions. They have been systematically sabotaged by the police by failing to provide proactive protection to Dalits from the caste ridden civil society, to register complaints by the victims, to sincerely follow up the cases that got registered so as to punish the perpetrators of crime. There have been a plethora of laws under this domain. The successful working of law depends upon the information and knowledge of the law on the part of its implementing machinery and general public. All people should know the rewards of the implementation and the punishments for the breeches of any law for its successful working.

The Abolition of Untouchability

The Untouchability Offence Act later amended as Protection of Civil Rights Act (PCR) was passed in 1955. The act abolished untouchability and prevention of access to temples, shops, restaurants, water

sources and such other places were made punishable offences. The police wield great power and exercise an inherent and virtually uncontrollable discretion. The decision to invoke the criminal justice system quite often rests with the policemen. Changes in mind set of the police or the way they exercise their discretion can have a more profound effect on the social system than the passing of a new piece of legislation.

The Provisions of the Act:- The first duty of the police is to prevent any cognizable offence under Protection of Civil Rights Act 1955 (PCR). The second duty of the police is the registration of offence either given orally or in writing. The oral complaints should be recorded to writing in the police station.

The Fact:- Since most of the dalits are illiterate their oral complaints and testimonials of the witnesses are recorded in writing in such a way that the magnitude of offence is diluted and the culprits often go scot-free.

The Provisions of the Act:- The PCR Act introduced summary trials and quantum punishment. Accordingly the offences against the dalits could be summarily tried by a judicial magistrate and award a sentence upto three months. The judicial magistrate had also the discretion during the summary trial to decide whether the case deserved a regular trial and higher punishment.

The Fact:- There was a lack of political will in its effective implementation. Within two years of the passing of the PCR in 1957, the dalits of Mudhukulathur in Tamil Nadu were massacred by upper caste Pallars, special task force personnel were brought to quell to control the Pallars of Ramnad. The police camped at Kamudhi and Mudhukulathur and acted as guardians and protectors of caste Hindus. So it became clearly evident that the law alone cannot protect the dalits if the law enforcing agency chooses otherwise. Most of the atrocities particularly in the rural and remote areas went unnoticed and even those that were reported by the national dailies received little positive response from the police. Few cases that were registered ended in compromise as the economically impoverished illiterate dalits were forced by retaliation of dominant upper castes.

The clause on the compromise was amended in 1976. In this changed scenario same set of socio-economic pressures worked and under the pressure from the upper castes in the form of social and economic boycott the witnesses turned hostile and the culprits escaped punishment.

So providing a mere skeleton apparatus of law enforcement, failed to guarantee social justice to the dalits. There were phenomenal difference between the higher judiciary which upheld the right and dignity of the dalits in the cases like Patel Lilabhai v. state of Gujarat and Shantabai v. the state of Maharashtra, and the activities if the lower courts and the local policemen. The local policemen often staffed by men from the upper castes were influenced by the dominant

castes of the localities and the local courts showed indifference by letting off the culprits with minimum fines and light punishments. No social legislation or administrative per se can empower the dalits without its successful implementation by the local authorities like police. However, the police have in many cases are a part of upper caste contempt of dalits and remain sympathetic to the upper caste resentment of growing assertion of the dalits as can be seen in the case of Karamchedu massacre in July 1985.

In Karamchedu village in Kamma boy bathed a buffalo at the steps of the water tank of the dalits and directed the dirty water into the tank which was meant for their drinking water. A lame dalit youth and a young dalit woman protested against this. The Kamma community retaliated against this protest by massacring several dalits in the early hours of 17th July. Six dalit men were killed and more than 25 others, including several women, were injured. The police filed cases against the main accused (Chenchu Ramaiah) in the massacre. The government also constituted a judicial enquiry under the pressure of dalit organisations and the national press and declared that 'it could not find any clear cut reason behind the massacre' and the culprit was not sentenced.

The Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act 1989

Karamchedu massacre prompted a nation wide debate on the role of state in protecting the life and property of the dalits. After a long deliberation the Scheduled Castes and Scheduled Tribes Prevention of atrocities Act was passed in 1989. This Act brought under its purview the whole gamut of atrocities committed against the dalits. It made punishable 14 specific offences against the dalits and tribals with imprisonment for a term which shall not be less than six months but which may extend to five year and with fine. Karamchedu massacre was still fresh in the mind of the law makers hence they made punishable offence any attempt that 'corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members or the Scheduled Castes or the Scheduled Tribe so as to render it less fit for the purpose for which it is ordinarily used.' The supporters of the upper caste responded to the Act in September-October 1989, by attacking the dalits in Bodinaikanoor, Devaram, Allinagaram, Theni and Usilampatti in Tamil Nadu which have been called as Bodi riots. The police once again protected the upper caste offenders and have been instrumental in nullifying every clause of the Scheduled Castes and Scheduled Tribes Prevention of atrocities Act of 1989 as can be seen by following examples.

Discrimination

The Provisions of the Act:- The Act makes it penal to deny a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort like temples or obstructs such member so as to prevent him from using or having access to a place of public resort to which other

Sadhashiv Narayan Kale a brahman temple priest was forced out of his job, his house and belongings were seized for solemnising the marriage of a dalit couple in Khazane village, Pernem Taluka in Goa. The Village sarpanch who supported the priest's action was hackled. Anmol Sawant, a Mahajan defending the actions against the priest declared 'we have lost faith in Kale. He has brought shame to the village. Since when did dalits get married using the services of a priest?' (Indian Express, 28 August 2002)

members of public or any section thereof have a right to use or access to which includes temples too.

The Fact:- In 2005, the directive of the Madras High Court that the administration should ensure complete dalit participation was violated when the latter were prevented from participating in the Kandadevi car festival in Sivaganaga district in Tamil Nadu. Dalits living in about 200 villages around Kandadevi along with caste Hindus participated in the car festival till 1979 when four dalits were murdered. Since then the dalits stayed away from the festival. In 1997 when a dalit youth participated he was assaulted by the caste Hindus. Puthiya Tamizhagam, a dalit party, went to court to assert the Dalit's rights. The District administration considered it a law and order problem imposed section 144 mobilized large police force, made preventive arrests of all dalit leaders. The dalit women who had started walking towards the temple were rounded off and confined them in a large hall. They were let off only in the evening after the festival was over.

Gaya in Bihar 2500 years back witnessed Gautama Buddha accepting Kheer-rice pudding from an untouchable woman Sujata as he attained enlightenment. Today, the same district witnessed some villagers preventing the children including dalit children from eating kheer prepared by two dalit women as a part of the centrally-sponsored midday meals scheme for primary school children. The villagers then dug the earth near the school and dumped the kheer in it. No action against the culprits has been taken.

Police seem to transcend the purview of law and aid the oppressors in every incident. Though, the law makers and the higher judiciary and senior police officers view these atrocities with horror attempt to punish the culprits, the lower rung of the policemen who stand as defenders of the local rich and powerful by manipulating the lower courts and judiciary. Upper caste men gang raped the wife of a dalit police constable in Mungare district of Bihar in April 2001. Hence even the local dalit policemen are at the mercy of the upper castes as a result cannot protect the dalits.

Economic Subjugation

The Provisions of the Act:- The Act penalises wrongful occupation or cultivation of any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred. The Act also penalises wrongfully dispossessing a member of a Scheduled Caste or Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water. It is also punishable to compel or entice a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government.

The Fact:- There are numerous cases of encroachment of both residential and agricultural lands by the upper castes. There are several cases of the upper caste landlords forcibly occupying the lands allotted by the government. Under the same Act it is punishable to force or cause a member of a Scheduled Caste to leave his house, village or other place of residence. In 2003 in Harsola village of Kaithal district 200 dalit families were driven out by upper caste Jat landlords. The police remained mute witness and the dalits are yet to return. In September 2001, a dalit woman Maya Gautam refused to vacate the hut as she had no place to shift to with her children. She was brought to the police station, stripped and brutally beaten by Kanpur policemen. The concerned SHO was suspended but the woman received no compensation. Many of them are being denied work in the government's food-for-work programme and are forced to migrate to other villages in search of jobs.

In April 2001, a dalit woman in a Bihar village was allegedly tortured, tonsured and paraded naked by upper caste men for refusing to work as a domestic maid. Nirmal Devi of Damauli Paswan Tola, a Dalit settlement in Purnea district, has complained to police that the men dragged her out of home and beat her mercilessly. They then kept her locked in a room through the night and tortured her. This was followed the next morning by the men blackening her face and parading her naked in the village. She told police that she had requested them to free her and not humiliate her but her pleas fell on deaf ears. According to police officials, Nirmal Devi had refused to work in the house of the powerful upper caste men as she was earning more money by working as a labourer in the field. Her decision not to do so irked them and they alleged that she was having an illicit relationship with migrant labourers. The culprits were arrested, no actions was taken and released on bail. The upper castes often follow this method to humiliate and crush the self confidence of the dalit men and women. The reason could be anything. A dalit man by name Toni Pasi refused to work in a particular landlord's fields at Piprahi village of Gopalganj district in Bihar in August 2001. His wife was stripped naked and paraded in the village, in full view of the people. In Aligarh district a dalit woman and her five children aged 3 months to 7 years

were burnt to death because the dalit woman's husband demanded wages from the brick kiln where he had worked for long without receiving wages.

Subjugation of Dalit Women

The Provisions of the Act:- The Act 1989 makes it penal the cases of assaults or use of force upon any woman belonging to Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty. Being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed.

The Fact:- In August 2001, a dalit girl was allegedly gang raped and later killed by unidentified youths at Baranadi village near Aligarh. The victim's body was discovered in a field near the village last night. Police failed to arrest the culprits. Rape has been used as a powerful weapon by the upper castes to settle even minor issues like a loan. In November 2002, an upper-caste landlord raped the wife of a dalit after accusing him of not repaying a loan of Rs. 100 in Ara in Bihar. Until the news gained headlines and received support from the concerned citizens and organisations the dalit couple was too scared to file a complaint. Finally, when the case was registered the police found no evidence against the landlord. The rape of dalit woman should be differentiated from the incidents of rape that the women in general face in a patriarchal society. The rape of dalit women is not merely motivated by lust and contempt but driven by the upper caste assertion to crush the morale of the dalits as even the elderly dalit women too face rapes. In May 2004, at Their village near Pune, a 40 year old mother was raped as her son failed to repay the loans taken from his employer. A sixty year old dalit woman Dhaneswari Devi, was tonsured, tortured and paraded naked in Thatha village under Cheriabariyapur in Begusarai district by villagers for allegedly practicing witchcraft that resulted in the death of a youth. Police officials said that they were aware of the incident, but still no arrest was made. Indo-Asian News Service, while reporting the case wrote: "This is not an isolated case against dalits in rural Bihar, but most of the cases remain unreported due to the strong prevalence of casteism at the village level."

The plight of the dalits does not end even with the arrest of the culprits. In August 2001, a dalit girl of Phuglana village in Hoshiarpur district was kidnapped and raped for 28 consecutive days by three people, later she escaped and her parents filed an FIR against the accused at Mehtiana police station, five of the six accused, most of them belonging to the upper caste Rajput community were arrested and were kept in Hoshiarpur jail. The relatives of the accused began to threaten the girl and her family to withdraw the complaint. The main accused Rajinder's wife Parveen Kumari even told the girl that she would be again picked up and raped as soon as her husband and other accused were released on bail.

The Political Subjugation

The Provisions of the Act:- The Act penalises any attempt to force or intimidate a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law.

The Fact:- Very often in remote areas the dalits are forced to vote for a particular candidate and if the upper castes suspect that the dalits may not vote according to their diktat they are not allowed voting at all. In many cases elected dalits are not allowed to assume office or not allowed to exercise their legitimate rights. Though Papapatti, Keeripatti, Nattarmangalam, Melavalvu and Kottakachiyenthal panchayats in Tamil Nadu are reserved constituencies no Dalit candidate dared to step forward for the post of Panchayat President or a ward member. Here the dalits share with the dominant caste Thevars a master-slave relationship. Though slavery is legally abolished every Thever family has a dalit family attached to it as a slave (adimai) which is kept under control with intimidation. As the impoverished dalit families have nowhere to go the bondage continues. The Thevars feel that their own slaves cannot rule them. They declare 'what ever be the law that cannot be applied in the case of our village.' In Papapatti Azhagumalai a dalit was elected and made to resign within five minutes. The photograph splashed across the country showed barefooted Azhagumalai walking down with shoes wearing Thevars escorted by a policeman to resign. It is a fine testimony to the police co-opting with the oppressors.

A dalit woman Uma Arsay was elected as the Hoshangabad Zilla Panchayat's chairperson in March 2000, but the vice-chairman Arjun Palia restricted her from assuming her office. Mr. Palia hadn't only usurped Arsay's chair, but also grabbed the privileges and perks of her office. He didn't even permit her to attend office and convene meetings of district officials, sources added. He had been allegedly terrorising Arsay and her family members, warning her of "dire consequences" if she ever spoke in public against him. After one and half year she complained to the police and the chief minister and the Hoshangabad police has registered a case against Mr. Palia and his three

A 15 year old dalit girl Nirma Rani a student of government primary school of Kadipur village, Gurgaon near Delhi wished namaste to her upper-caste teacher who slapped her. According to the unwritten rules followed by the upper caste teachers, only upper caste children can wish them not the dalit children. When, Nirma Rani's father went to enquire about the incident, he was locked up in a room and severely beaten up by several teachers. (Indian Express, 3 March 2003)

Cop on killing spree over daughter's low-caste affair

An upper caste policeman, enraged by the “audacity” of a Dalit who had eloped with his daughter, ran amok and mowed down four members of the boy's family. To teach a lesson to Brajraj, a Chamar who had run away with his daughter Poonam, head constable Ram Nath Brajraj in Majretha Gaon near Hardoi, gunned down his father, two brothers and an uncle. The policeman, who was in uniform, fired 10 rounds from his licensed revolver. (Telegraph, 9 May 2000)

associates under the Prevention of Atrocities against the SC/ST Act. In another incident in June 2003, the dalit sarpanch of Batira village in Kendrapara district of Orissa was beaten up, stripped naked and paraded through the village for refusing to hand over the cement and iron meant for the construction of houses for dalits to the upper castes.

The Provisions of the Act:- The Act made it penal to cause injury and insult to the Scheduled Caste.

The Fact:- Most of the dalits face routine insults and even slight assertion can provoke the upper castes to resort to extreme forms of violence. Such atrocities are not confined to illiterate impoverished labourers but extend to even elected offices. When the dalit elected to an office refuses to comply with the upper castes they face insult, injury and even death. In November 2001, a dalit up-pradhan was lynched, butchered and burned allegedly by upper caste people of his village Mator near Dehradun. The police registered a case but yet to apprehend the culprits. On 16th August 2004, just after commemorating the Independence Day 58th time, nearly 250 Dalits in Gumka village of Chhatisgarh painfully realized that far from being independent they live at the mercy of the upper castes. They were brutally attacked by caste Hindus numbering about 800. More than 150 people including 35-40 women were injured in this gruesome attack. The police and local administration took a lethargic attitude towards the culprits.

The Provisions of the Act:- The Act makes it penal to institute false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe and gives any false frivolous information to any public servant and thereby

causes such public servant to use his lawful power to the injury of annoyance of a member of a Scheduled Caste or Scheduled Tribe.

The Fact:- Most violators of the code are the police themselves. In August 1995, violence erupted in Tirunelveli and Tuticorin districts of Tamil Nadu between the upper caste Thevers and the dalits and 18 persons died with dalits suffering most. In this incident the police retaliated by attacking the affluent dalit village Kodiakulum. As soon as the attack took place the dalit villagers ran away. The police destroyed with vengeance every household articles like sewing machines and bicycles, poured diesel and pesticides into public wells in order to render them unusable. The Director General of Police who visited the village called it as 'an inhuman act' and 'mindless violence by the police.' A Commission of enquiry was instituted the police gave false testimony before it and the Commission did not hold the police responsible. The DIG who condemned the violence was not even called to testify.

The Atrocities on Dalits

The Provisions of the Act:- According to the provisions of the act anyone not being a member of a Scheduled Caste or a Scheduled Tribe, forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance is liable to be punished.

The Fact:- In spite of such a provision time and again the dalits are forced to eat faeces. In 2001, when Dalits in Thinniyam village of Tiruchi district asked for higher wages the upper caste men forced them to eat faeces.

Crimes and Atrocities Against Scheduled castes, 1981-2000							
Year	Murder	Grievous Hurt	Rape	Arson	Others	Crime under PoA	Total
1981	493	1492	604	1295	10434	14318	28636
1982	514	1429	635	1035	11441	15054	30108
1983	525	1351	640	993	11440	14949	29898
1984	541	1454	692	973	12327	15987	31974
1985	502	1367	700	980	11824	15373	30746
1986	564	1408	727	1002	11715	15416	30832
1989	556	1630	830	51	12080	NA	NA
1990	584	1691	885	599	13908	NA	NA
Average	534.9	1477.8	714.1	866	11896.1	15182.8	30365.7
1991	610	1706	784	602	13944	NA	NA
1992	616		849	406	19592	NA	NA
1995	571	4544	837	500	11056	13925	31433
1996	543	4585	949	464	13862	9620	30023
1997	504	3462	1002	384	12149	7831	25338
1998							25638
1999	506	3241	1000	337	14925	5084	25093
2000	486	3298	1034	260	13586	5078	23742
Average	548	3472.7	922.1	421.9	14159.1	8307.6	21877.8

Source: Annual Reports of Commission for the Scheduled Castes and Tribes, New Delhi
PoA: Prevention of Atrocities Act
Adopted from Anand Teltumbde, Anti-Imperialism and Annihilation of Castes, Ramai Prakashan, Mumbai, 2005, p. 271

The dalits approached the police who refused to lodge the complaint. The very act of approaching the police made the upper castes retaliate by denying jobs to the village dalits and have begun to hire farm hands from neighbouring villages.

The Provisions of the Act:- Another important clause of the Prevention of atrocities Act 1989 is that if anyone intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view should be punished.

The Fact:- In August 2005, in Gohana village of Sosepat district an upper caste Jat Balgit Siwach molested a dalit girl, few dalits resisted and in the fight Balgit was killed. The upper caste Jats of the area joined hands went on rampage torched the entire dalit locality destroying the lakhs of rupees worth property.

The Provisions of the Act:- It is a punishable offence to forcibly remove clothes from the person of a member of a dalit or a tribal or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity.

The Fact:- The Gopalganj district in Bihar witnessed in December 2002, the parading naked of a man who dared to go to fetch his daughter-in-law, belonging to a higher caste, from her home. The police registered complaint but claimed that the culprits were absconding.

According to the report of the Ministry of Welfare of the government of India for the year 1992-93, in the year 1991 the total number of criminal cases registered (for crimes committed against Scheduled Castes and Tribes) by the Government is 21,362. In the same year 1,067 Dalit women were raped, 731 Dalits were murdered, 645 incidents of arson took place, 1,890 Dalits were grievously hurt. Another 17,029 cases of offences against Dalits were registered. In other words it amounts to this: every hour two Dalits are assaulted, every day three Dalit women are raped. Two Dalits are murdered, two Dalit houses are burnt. These figures refer only to the limited number of cases registered by the vulnerable dalits who are bold enough to risk their lives to complain to the police. This number will be much higher if we include the crimes which are unreported because of fear and oppression of feudalistic forces operating in rural areas. In 1995-96, the Commission had received 2,065 complaints. Just four years later in 1999-2000, the figure had risen eight-fold to 16,219. The commission imprisoned 700 persons in 1999-2000 and 1,398 in 2000-2001, giving a total compensation of Rs. 73.85 lakh (389 victims) and Rs. 48 lakh (440 victims), respectively.

Atrocities committed against the dalits and tribals between 1998 and 2002 showed a steady increase with Uttar Pradesh and Madhya Pradesh topping the list. The number of cases of atrocities against dalits rose from 7,445 in 1998 to 33,507 in 2002 and the cases against the tribals went up from 725 to 6774 during the same period. Figures available with the

Keshav, a local Bhojpuri dalit song writer, Nandganj police circle of Ghazipur district whose lyrics have been sung by local artiste Nandlal, was dragged to a spot in a crowded marketplace by some youths. The young men played a song written by Keshav and objected to a line in which a reference had been made to one "Jumman Nai." Since one of the young men had the same name, he insisted that the song writer had made a deliberate reference to humiliate him. The youths beat up Keshav and then stripped him. Keshav was paraded and chased for almost an hour in the marketplace and when some people attempted to offer clothes to the naked song writer, they were intimidated by the youths. After humiliating Keshav, who is also the principal of a local school, the youths took him to lonely spot and forced him to write an apology letter begging pardon for having written the particular song. (Asian Age, 21 June 2001)

National Crime Records Bureau (NCRB) show that the cases in Uttar Pradesh the incidents of atrocities stood at 2,737 in 1998 and in 2002 it was 7,927. Madhya Pradesh reported just 85 cases against STs in 1998 and it rose to 2,504 in 2002.

State-wise review of the serious crimes against the SCs/STs showed that the highest incidence of murder cases in respect of SCs in 2002 was Uttar Pradesh (371), followed by Madhya Pradesh (79), Rajasthan (44) and Gujarat (34). The highest rape cases were reported from Madhya Pradesh (412), Uttar Pradesh (305), Rajasthan (123), Maharashtra (64), Chhattisgarh (64) and Kerala (48). As regards total crimes against SCs, U.P. topped with (7,927), followed by Madhya Pradesh (7,217), Rajasthan (4,535), Tamil Nadu (2,097), Karnataka (1,787), Gujarat (1,370), Bihar (1,579) and Orissa (1,195). More than 90 per cent of the cases have been reported from these States. The data on crimes, including atrocities perpetrated on STs showed that Madhya Pradesh topped the list with a total of 2,504 cases, followed by Rajasthan (930), Andhra Pradesh (525), Chhattisgarh (508), Orissa (480), Nagaland (371) and Gujarat (340) and Karnataka (240).

Human Rights

In every incident, in breaching every clause of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act 1989, the police see themselves not as enforcers of the law but as upholders of the hierarchal caste-ridden social order.

In December 1997 at Lakshmanpur-Bathe in Bihar 59 dalits including 26 women and 19 children were massacred by the upper caste Ranvir Sena men. The then President described it as 'a national shame.' The Ranvir Sena chief Brahmeshwar Singh defended this

Status of cases registered under CRE Act 1955							
Year	Reported	Investigation Stage	In the courts	Conviction	Acquitted	Other disposals	Compromise
1997	196		81	03	80		01
1998	98		43		30	01	02
1999	78		36	02	26	01	
2000	77		44		18		
2001	111	01	87		15	01	
2002	101	22	60		04	01	
2003 (upto March)	14	10	04				

Status of cases registered under SC/ST (Prevention of Atrocities) Act 1980							
Year	Reported	Investigation Stage	In the courts	Conviction	Acquitted	Other disposals	Compromise
1997	1129		701	09	285	25	02
1998	1035		739	03	180	21	02
1999	1046		751	02	140	25	
2000	1062	800	02	05	77	35	
2001	1070	814	02	03	46	28	09
2002	1232	836	51		06	35	01
2003 (upto March)	263	73	172			02	

as well as similar killings of dalits 'as motivated by his desire for a casteless and class less society.' (Hindustan Times, September 8, 2002). Though he was arrested the case is still pending in the court, seven years on even charges have not been framed against the 24 accused all but two of them are on bail.

In October 2002, a mob beat up five dalits near Duleena village in Jhajjar within five hundred yards of the police outpost and brought them to the police outpost for allegedly skinning a cow. Soon a large crowd gathered and began lynching the dalits. The keepers of the law the City Magistrate, the Superintendent of Police and police men manning the outpost nonchalantly watched a frenzied crowd lynch five dalits. The perpetrators of violence-Jats called the Mahapanchayat which was attended by 360 panchayat heads. They issued stern warning to the administration that if anybody was arrested for the lynching of five dalits, an agitation would be launched. They defended the lynching in the name of cow-protection. NHRC

intervened and the Haryana government was made to pay Rs. Five lakhs each to the families of the deceased and provide employment a dependent of each family. The police received a token punishment of stoppage of two increments and were transferred.

Such complacency on the part of the police prompted young 16 year old dalit rape victim to take on the judiciary in her own way in August 2002. The judge acquitted the man who had raped her two years ago when she was still a child of 14 years. She reached the court, asked the judge why he had let the accused go unpunished. The judge's reply that there was not enough evidence to punish the culprit made her to hurl her slipper at the judge. The slipper, however, missed him, but she said she won't give up. The girl had travelled alone from home to show the judge how angry she was. This time as serious law enforcers the police arrested and promptly placed her in judicial lock-up while her rapist was enjoying freedom.

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