



Human Rights And Dalit Women

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ABSTRACT

The question of Human Rights of Dalit women possess a challenge to the Human Rights commission. violence, which serves as a crucial social mechanism to maintain Dalit women's subordinate position in society, is the core outcome of gender-based inequalities shaped and intensified by the caste system. This situation exists in India today despite constitutional guarantees of non-discrimination on the basis of caste and gender (Article 15(1)), The right to life and security of life (Article 21) and the constitutional directive to specifically protect Dalits from social injustice and all forms of exploitation (Article 46). This theoretical paper tries to put forth the various kinds of violence and human rights violation faced by Indian dalit women.

KEYWORDS : Human rights, Dalit women

Introduction

As the national commission for women has commented, "in the commission of offences against... Scheduled caste (Dalit) women the offenders try to establish their authority and humiliate the community by subjecting their women to indecent and inhuman treatment, including sexual assault, parading naked, using filthy language, etc". Hence, violence, which serves as a crucial social mechanism to maintain Dalit women's subordinate position in society, is the core outcome of gender-based inequalities shaped and intensified by the caste system.

This situation exists in India today despite constitutional guarantees of non-discrimination on the basis of caste and gender (Article 15(1)), The right to life and security of life (Article 21) and the constitutional directive to specifically protect Dalits from social injustice and all forms of exploitation (Article 46). Moreover, the Indian State has enacted a series of laws protecting the rights of Dalits and women, acknowledging the prevalence of discrimination and violence against these sections of society. A key law in this regard is the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act 1989. The presence of laws, however, without concomitant implementation to ensure personal security to Dalit women and without concerted efforts to emancipate the Dalit community and eradicate entrenched gender-and-caste biased notions of (in) equality and (in) justice, is not enough. The Indian Government has itself acknowledged that the institutional forces-caste, class, community and family-arraigned against women's equal rights are powerful and shape people's mindsets to accept pervasive gender inequality. If human rights are the legitimation of human needs, then the needs of Dalit women for personal security, socio-economic development and social justice are priority areas for intervention.

Dalit women endure violence in both the general community and in the family, from state and non-state actors of different genders, castes and socio-economic groupings.

Civic Rights and Violation

Untouchability is abolished and its practice in any form is forbidden under Article 17 of the constitution. Parliament set to work on a statute to spell out the practical details and application of the principles embodied in the fundamental rights. The result was the Untouchability (Offence) Act of 1955. The Act was amended in November 1976 and named as "Protection of Civil Rights Act, 1955" it provides "penalties for preventing a person, on the ground of untouchability from entering a place of public working and offering prayer or taking water from a sacred tank, well or spring. Enforcing any kind of social disabilities such as denying access to shop, restaurant, hotel, public hospital or educational institution or any place of public entertainment or denying the use of any road, river, well, tank, water tap, bathing ghat, cremation ground, etc., attracts the provisions of this Act".

Violence in the General Community

Verbal abuse from members of the general community, includes de-

rogatory usage of caste names and caste epithets arguably amounting to "hate speech", as well as sexually explicit insults, gendered epithets and threats. Women have faced violence regularly, indicating the habitual nature of this form of violence.

Verbal abuse often accompanied physical assault, this combination of violence further links in many cases to a spectrum of sexual violence, from sexual harassment and/or sexual assault, sexual, often the violence occurred several times or was regular.

Kidnapping or Abduction

Kidnapping or abduction of Dalit women, as often led to their forced incarceration and even rape or sexual exploitation. The targets are Dalit women from the time they attain puberty. Hence, parents' fear of their daughters being sexually assaulted and thereby becoming "unmarriageable" in northern states such as Bihar and Uttar Pradesh, Dalit women are getting married at ages as young as five years. Women are joginis, dedicated to temple goddesses from early ages in Andhra Pradesh and thereafter considered as religiously-sanctioned village prostitutes. Other women had been forced into prostitution after being sexually exploited by their dominant caste landlord-employers, or by their husbands, by the police.

Violence in the Family

Within the family, domestic violence is prevalent, Violence often manifests itself in verbal abuse of the woman, accompanied by physical assault, but also entails sexual abuse including marital rape. Several cases of inter-caste marriages ending in domestic violence reveal caste and gender discrimination against the dalit wife leading to violence. In most cases where a Dalit husband is concerned, the violence takes on a strong patriarchal dimension women are tortured within the home for not bringing enough dowry, for not bearing male children, or allegedly unfaithful. Alcoholism among Dalit husbands is also a strong contributing factor to this domestic violence. Domestic violence resulted in some women being deserted by their husbands.

Location of Violence

The sites where violence occurs reveal another aspect of Dalit women's vulnerability, the majority of Dalit women have faced violence in public spaces-streets, women's toilet areas, bus stands, fields, etc.-in and around their villages and towns.

The most common place for violence is within the home. A number of women have faced physical assaults, verbal abuse, sexual harassment and sexual assaults in their very home from non-family members.

Violence in the workplace, they mostly work in formal sector, daily wage labour occupations, Dalit women often do not report violence from employers in the workplace, instead keeping silent in order to retain their means of livelihood. Many Dalit women work in the perpetrators home. The perpetrator's home also becomes another site for violence perpetrated by general community members.

Government spaces become grounds for violence particularly where women are forcibly incarcerated, verbally abused, sexually harassed or raped in police stations. 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. These public spaces are seized upon as opportune places for exercising power and authority over Dalit women as individuals and as a collective through violence.

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. Roughly equal numbers of women across the different forms of violence have faced violence at the hands of these two major caste categories.

There are also instances of violence wherein the dominant castes-whether forward caste or backward caste-draw in the Scheduled Castes (Dalits) to engage in violence. To be noted is that this tactic is increasingly utilized by dominant castes to thwart the applicability of the SC/ST (Prevention of Atrocities) Act, 1989, which only applies to atrocities committed by persons not belonging to the Scheduled Caste or Scheduled Tribe community. Other traditions such as the jogini system also yield multiple caste perpetrators of sexual exploitation against Jogini women, as do some gang rapes and some physical assaults where Dalits and dominant castes are engaged together in illegal activities such as logging or illicit liquor production and sales.

The Indian Government has an obligation under international human rights law to act with due diligence to prevent, investigate and punish acts of violence against Dalit women in both the general community and in the family, any case of violence against a Dalit woman has to pass through the hands of the local police and the judiciary in order for the woman to receive justice under the law. The Indian Constitution stipulates in Article 14 that all the Indian citizens have the right to equality before the law.

The Indian Government's consistent inaction in protecting, promoting and fulfilling rights for its Dalit women citizens-evidenced the increasing rates of crimes against women and Scheduled Castes, its failure to resist many cases of violence against Dalit women and low disposal rates of Scheduled Caste atrocity cases combined with low conviction rates-all points to structural injustice being perpetuated and the Indian state's failure to comply with its international human rights obligations.

Sexual Violence

Although we do not have a break-up of PCR and IPC cases separately for Dalit men and women, the Scheduled Caste and Scheduled Tribe Commissioner's report however, provides information on sexual violence against Dalit women. Sexual violence may be a general problem from which women in general suffer; in the case of Dalit women, it is far more intense and widespread. Because of lower social attitude towards Dalit women and their economic dependence, they become victims of the high caste sexual violence, on a scale far greater than that of the non-dalit women.

Human Rights Violation and Economic Deprivation

The lack of income generating assets and heavy dependence on wage employment of Dalit women on the high caste landlord provide a situation for the latter to exploit them sexually and otherwise. Thus the economic situation of Dalit women compel them to surrender their civic, political and economic rights.

Human Rights Violation and Hindu Social System

Human rights violation of the Dalit women has a close inter-connection between the status of women in general and the Dalit women in particular as prescribed in the Hindu social order.

The explanation for the different and discriminatory attitude of high caste male towards Dalit women is also to be found in the social and religious system of Hindus. As is well known, in the overall social framework of Hindu society women are not supposed to be free and all the sources of material development are blocked. Dalit women have no right to education, no right to acquire religious knowledge, no right to acquire property. In fact in the overall social scheme of the Hindu system the Dalit woman is located at the bottom.

Not attempting to obtain justice include

- Fear of the perpetrators, arising from the perpetrator's threats of

further violence to the women or their family members should they file police complaints, or to deny them work;

- Lack of money to approach the police, or pay the often requisite bribe in order for the police to take action, or to follow a police case through to the Courts;
- Lack of family or community support for the justice-seeking attempt.

The overall performance of the Indian State, therefore, comes into serious question when measured against the standard of due diligence to prevent violence against Dalit women. Giving effect to Dalit women's rights requires not only building structures of protection-including investigation, prosecution, fair-punishment and compensation for violence-but also rigorously implementing laws and policies designed to facilitate the enjoyment of equal citizenship rights for the 80 million Dalit women in the country today.

Taking into account the situation of rising rates of crimes against Dalits, combined with failure of the state machinery to check this rise with stringent action, the Parliamentary Committee on the welfare of Scheduled Castes and Scheduled Tribes has stated that atrocities on Scheduled Castes and Scheduled Tribes constitute an internal disturbance under Article 355 of the Indian Constitution and has called for Central Government intervention under various provisions to take strict action against offending states.

Violence against Dalit women causes social, physical and mental trauma to women.

Social effects of violence include economic punishment in terms of the destruction of Dalit women's livelihood or loss of employment social boycotts some Dalit women expressed their inability to get married or to get their child married where especially sexual violence had occurred. Violence also restricted many Dalit women's freedom of movement, while some girls quit their education due to violence.

The harm caused to Dalit women by violence does not stop at the act itself; it has long-term and multiplying social, psychological and physical effects that are not being addressed.

Both national laws and international human rights standards that prohibit any physical, sexual or psychological violence against women, varying forms of violent acts specifically targeting Dalit women are occurring on a large scale across India today. That physical, verbal and sexual violence are the most common and often combined, forms of violence suggests that at every level Dalit women is being attacked.

Dalit women would appear to be extremely vulnerable to aggression by dominant caste persons in their villages and towns.

Conclusion

The question of Human Rights of Dalit women poses a challenge to the Human Rights Commission. At this moment the NHRC has no agenda for Dalit women. So NHRC should make certain recommendations in this respect on the following lines

There are specific disabilities from which Dalit women suffer. The NHRC should bring out periodical reports on the human rights situation of Dalit Women in India. It should bring out reports on the social and religious institutions perpetuating socially sanctioned prostitution such as Devdasis and Joginis in Andhra Pradesh and Maharashtra and also in other states arid make efforts to stop this system both legally and otherwise by introducing law and other measures. Bringing out reports on the social and economic situation of Dalit women which leads to the violation of human rights and suggests social and economic measures to promote the atmosphere in which Dalit woman could enjoy human rights. Special measures be taken for the protection of the Dalit women in all the above said area.

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