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ATROCITIES AGAINST DALITS: A MAJOR HUMAN RIGHTS ISSUE IN ODISHA

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ABSTRACT

Human Rights are those fundamental and inalienable rights, which are significantly desirable for any individual as a human being. But it is a matter of disgust that after more than 70 years of independence of India as democratic country, still violation of basic human rights of Dalits is a unusual reality in many states of India including Odisha. Odisha the state of rich heritage comes seventh in the list of states having the highest rate of atrocities against Scheduled Castes and 3rd in highest numbers of crime against Scheduled Tribes. Regrettably 16 districts of the state have also been identified as Dalit atrocity prone district. Hence the paper attempts to find out the gravity and magnitude of atrocity against Dalits which leads to severe human rights issue in Odisha.

INTRODUCTION

The concept of Human Rights is an endowment of contemporary human thought to the culture and civilization of present epoch. For living as a human being certain basic human and fundamental Human Rights are indispensable for every individual of a modern society. But it is a very distressing fact that, even after more than of 70 years of independence of India and despite various constitutional safeguards, Legislative frameworks, many more anti-atrocities law and various Human Rights defense institution still violation of Human Rights is a common issue in many states of India including Odisha. Dalits are the most oppressed and downtrodden class of Indian society is on the top of victim's diagram of Human Rights violation. The violence, crime and attack on Dalits are so horrendous that the Dalit people live in constant fear, insecurity and torturous life without any human rights and dignity. Odisha is a naturally prosperous and socially peaceful state mostly known for its backwardness and poverty has been witnessed a large number of inhuman episodes of atrocity against Dalits over the past many decades. Dalits are facing different forms of discrimination and exploitations in both the urban and rural areas of the state. Unfortunately as per the reports of National Crime Record Bureau (2016) and Ministry of Social Justice and Empowerment, Govt. of India, Odisha is one of the states, which come within the top ten Indian States where the official statistics uncover the truth of existence of huge numbers of Dalit atrocity and human rights violation. In the year 2016, Odisha comes seventh in the list of state having the highest numbers of crime/ atrocity against Schedule Castes (SCs) and third in highest digits of atrocities against Schedule Tribes (STs). On the other hand, the Home Department of Odisha has identified 16 districts of the State out of total thirty districts as high atrocity prone areas of the state.

The Concept of Human Rights and Constitutional Safeguards for Dalits:

The concept of human rights aims at the protection of basic rights of an individual or a person i.e. the right to life, liberty, property, and pursuit of happiness, etc, which help an individual to develop his/her inherent qualities, intelligence, talents, and conscience to meet material and other needs in society. Without proper recognition and protection of human rights of every citizen in a country the full development of any human being, nation, or state is impossible. The precious idea of human rights came into its own on the world stage after the 1948 UN Universal Declaration of Human Rights. The constitution of India in the year 1950 initially was inspired by the aspiration goals set out in the Universal Declaration of Human Rights in 1948. The preamble of the Indian constitution underlines the need to secure to all citizens justice, liberty, equality, and also the dignity of the individual as important values. Several civil and political rights including the right to equality, freedom of speech, right to life and personal liberty,

the prohibition of traffic in human beings and forced labour, freedom of conscience and free profession, practice and propagation of religion have been enshrined in the provisions of the Constitution of India dealing with fundamental rights. In case of infringement of any fundamental right, the right to move the Supreme Court for issuing appropriate directions or orders or writs is also a fundamental right. Several economic, social, and cultural rights like the right to education, health, and work have been provided under the provisions of the Constitution of India that relate to the Directive Principles of State Policy. The principles laid down in the Directive Principles of State Policy are fundamental in the governance of the country. The legislature is expected to keep in view these principles while making laws because the objective of the Directive Principles is to embody the concept of a welfare state. The Parliament has enacted various legislations that seek to protect and promote the rights of the vulnerable sections of the society. Article 17 abolishes untouchability and forbids its practice in any form. The enforcement of any disability arising out of untouchability is to be an offence punishable in accordance with law. It does not stop with a mere declaration but announces that this forbidden untouchability is not to be henceforth practiced in any form. If it is so practiced it shall be dealt with as an offence punishable in accordance with law. In order to safeguard the interests of most venerable sections of Indian society i.e. Dalits (SC & ST) and to protect them from various form of exploitations many special social legislations have come into force from time to time in order to uphold the constitutional mandate and safeguard the interests of these sections of the society. The major legal enactments for the protection and safeguard of Dalits (SC & ST) at the national level are: (i) The Protection of Civil Rights Act, 1955 (ii) The Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989. But despite the provided safeguards, the existence and literal narration of UN Universal Declaration of Human Rights, the Indian Constitution and its Fundamental Rights, and several Human Rights Commissions the Dalit atrocity and their human rights violation are growing in India along with its various states.

Profile of Dalits and their Human rights in India:

Constitutional provisions and legal safeguards of India constitute the key instruments of state action for welfare of Dalits and protection of their rights. The primary objective of these provisions of constitution of India is to remove the various social, economic and political backwardness faced by Dalits for centuries and enables them to be in mainstream society through their social, economic, educational, and political advancement. But it is unfortunate that in India the discriminatory and cruel, inhuman, and degrading treatment of over 167 million people has been oppressed and harassed on the basis of caste over the past many years. The concept of Caste is descent-based and hereditary in nature. It is determined by one's birth into a particular caste, irrespective

of the faith and culture practiced by the individual in the society. The imposition of social disabilities on individual by reason of their birth in certain caste is the reality. This inhuman practice downgrades Dalits, to a lifetime of discrimination, exploitation and violence, including severe forms of torture perpetrated by state and private actors in violation of the rights guaranteed by the Constitution. As per 2011 census report of India, the proportion of Dalit population is 16.6 percent (20.14 cror) of India's total population. One out of every six Indians is Dalit, but due to their caste identity Dalits regularly faces discrimination, violence and different form of atrocities, which prevent them from enjoying the basic human and dignity promised to all citizens of India. The Status of Dalits has often been historically associated with occupations regarded as ritually impure, such as any involving leatherwork, butchering, removal of rubbish, animal carcasses and waste. The government of India recognizes and protects them as Scheduled Castes. The term Dalit has been interchangeably used with term Scheduled Castes, and these terms include all historically discriminated communities of India out-caste and untouchable. Though the use of this term is widely disputed, but a substantial academic writings applies this is both positive and negative sense- meaning as a strength or weakness of the community with the application. In 2006 the National Commission for Schedule Caste (NCSC) sent a circular recommending the states not to use the term Dalit to schedule caste category since the term is not constitutional. So constitutionally the term Dalit was used interchangeably with the official term Scheduled Caste hence fourth. The terms *Scheduled Castes* and *Scheduled tribes* (SC/ST) are the official terms used in Indian Government document to identify former Untouchables and Adivasis. The Marathi social reformer and revolutionary Jothirao Phule used the term Dhalit to describe the outcastes and untouchables as the oppressed and broken victims of the Indian caste-ridden society. To identify the Dalit (untouchables) Mahatma Gandhi coined the word Harijan, which connote the meaning of Children of God. B.R. Ambedkar also used the term in his Marathi speeches. Although the word 'Dalit' literally means oppressed persons, it has acquired a new cultural perspective to imply those who have been broken down by those above them in a deliberate and active manner But at present people belongs to SCs and STs increasingly refer to themselves as Dalits, a word meaning broken, crushed, oppressed but which they are now imbuing with a new meaning of resistance to a system which places them at the very bottom of society.

Despite of several constitutional safeguards and voluminous legislative frameworks, crime against Dalits downtrodden has become a reality of India. Only in the year 2016 the number of atrocity against the Scheduled Caste was 40,801 and against Scheduled Tribes were 6,568. The Atrocities against dalits(SCs &STs)has been increased by 6% from 2009 to 2008 in India with over 3.91 lakh crimes being registered in different police stations of India. On the other hand on average 88.5% of cases under PoA act remain pending for trial during 2009 to 2018 in all over India. Unfortunately in India, in every 15 minutes a crime is committed on Dalits, almost 6 women belong to Dalit community are raped every day.

The Untold Kernel of Dalit Atrocity in Odisha:

Dalits are treated all over India as cheap dirt or less than an animal. There is hardly any day goes by when Dalits are not killed, harassed, insulted and socially boycotted by the so called upper caste people. In most of the Indian states every day Dalits houses are burnt, they are denied to enter into temple, physical violence against Dalit women like rape, terrorising the Dalit women by parading naked on street and beating Dalit are rampant. Odisha remains a highly vulnerable state with high incidence of atrocities on Dalits and religious minorities. Dalits are implicated and beaten in false cases without committing any crime; Dalit girls are here

molested and denied justice and in every corner of Odisha, the Dalits people are humiliated. The scheduled castes are widely distributed in all the districts of the state, but are found in greater number in Phulbani district followed by the district of Balasore and Cuttack. Similarly the scheduled tribes are concentrated in order of density in the districts of Mayurbhanj, Koraput, Keonjhar and Phulbani. In Odisha, there are 93 community comes under scheduled caste group to whom the term Dalit has been applicable on the basis of their social status. Major Dalit communities in Odisha are Pano, chamar, Hadi, Ghasi, Dewar, Dhoba, Ganda, Kandara and Bauri etc. However after so many years of independence of India, they are always treated as untouchable out caste by the upper caste Hindus and Brahmins in Odisha. The nexus of Hindu religion and dharmasatra along with caste system put huge inhibition on Dalits. Caste atrocities are rampant in Odisha. Despite of prohibition untouchability Act under art-17 of the Indian constitution, the bulk of dalits in Odisha are unable to access all the most needed democratic rights get implement in their favour. As per the report of Home Department of odisha and NHRC, the cases of atrocities against dalits (SCs and STs) have substantially increased during last couples of years in Odisha. In Odisha the atrocity/crime on SCs and STs registered in the year 2010 was 1,589 cases, in 2011 it was 1,939 and 2,953 cases in the year 2012. where as in 2013 the numbers of crime against Schedule caste and Schedule Tribe was 3,383 and during 2014 the crime committed against SC was 2,266 and against ST was 1259 respectively. In the year 2015 it was 3,692 out of which 2,305 are against SCs and 1,387 are against STs, which shows a consistent increase of crime against dalits in the State. The Schedule castes are relatively more victim than Scheduled tribes to various heinous forms of atrocities on them in Odisha. The nature of atrocities are manifold that include rape, murder, house burning, destroying produces, mass attack, physical and mental assault and torture etc. The Home Department of the state has identified 16 districts of Odisha out of 30 districts as atrocities prone area, i.e Angul, Bhadrak, Boudh, Balsore, Cuttack, Dhenkanal, Deogarh, Kandhamal, Kalahandi, Khurdha, Keonjhar, Mayurbhanj, Sonepur, Nuapada, Puri, Sundargar.

Dalits are still branded as untouchable, denying them the right to live as human being they are oppressed, suppressed and marginalized by so-called upper caste people. Dalits are still enduring several social discrimination and faces inter caste violence, bonded labour and discrimination of all kind. According to the report of National Crime Record Bureau, the very peaceful state Odisha is among the ten states account for 93.3% of atrocity against SCs. Odisha is holding the 7th rank for the crime and atrocities against the Schedule caste people, where various legal safeguards are exist in Odisha to protect the Dalits and their basic human rights. In Odisha both the government and non-government actors are active for Dalits welfare and their human rights protection, but the ground reality is that, the Dalits in Odisha still facing discrimination, atrocities and becoming the victim of human rights violation. Caste based discrimination and atrocities against Dalits community are increasing all over Odisha which is leading to bloody and brutal killing of innocent Dalits. The number of cases of murder, rape, humiliation and sexual harassment on Dalits is increasing day by day. Neither the state nor the law-enforcing machinery has managed to protect the Dalits from the humiliation and atrocities by the upper caste people. In rural belt of the state, the Dalits are even inferior to animals so far as untouchability is concerned. They are denied access to temples/places of public worship, teashops, hotels, restaurants, drinking water resources, upper case house, denial of barber services, denial of laundry services, denial of services by the dhobi, denial of participation in social ceremonies, denial of access to village meetings, denial of food sharing, denial of cremation and burial grounds, separate seating in schools, separate seating in panchayats,

separate seating in Self Help Groups etc. The human rights of Dalits have been violated in the sphere of employment, education, health, land acquisition and especially in their social, political and economic life in Odisha. In rural Odisha Dalits have been murdered for proposing to marry somebody further up the social ladder, barred from temples, forced into bonded labour and made to carry human waste from the homes of high-caste Hindus. As per the data of NCRB during the period from 2011 to 2016 about 81 persons belonging to schedule caste were murdered in Odisha. During the same time periods total 10,258 cases of crime/atrocities are registered in different police station of Odisha particularly under SC/ST POA act. All these heinous crime and atrocities against these poor dalit people indicate the basic human right violation of Dalit people belonging to schedule caste from all aspects.

In the year 2012(January 22) a caste atrocity case occurred at Lathor in Bolangir district of Odisha, where more than 50 houses of Dalits are burnt by Upper caste people. Similarly in the same year a very inhuman caste crimes to Dalits by the upper castes Hindus was occurred, where two Dalits men were killed and three are half murdered in Muribahal block of Bolangir district. In 2013, in Pikirali village of Kendrapara district a Dalit woman was allegedly beaten up by the members of upper caste for drawing potable water from a government-dug deep tube well. About 10 Dalit families of the village were depending on one tube well in their locality. But after the incident the Schedule caste persons were forced to subsist on polluted water of pond. The Dalit women are considered greater Dalit among Dalits in Odisha. Women, particularly in rural areas, operate in a closed social system where they are subordinate to their male members in every sphere of their lives. The situation of Dalit women is more precarious because they carry triple handicap sign as women as rural persons and as Scheduled castes. As per the statistical figure of National Crime Records Bureau for the year 2016, total 17,837 cases of crimes against women were reported in Odisha. In the Same year in Odisha total 119 rape cases were registered under SC/ST, Prevention of Atrocities Act, 1989 with section 376 of IPC. Whereas total 129 cases under SC/ST (POA) act with IPC section and without POA act with IPC section 376, 14 incidence of rape was reported in different police station of Odisha. On 17th October 2017, a 22-year-old Dalit woman was allegedly raped by a man while five of his associates filmed the crime in their mobile phones in Ganjam district. The Dalit women belong to schedule caste are one of the most marginalized segment in the society. The condition of dalit women is more vulnerable than non-dalit male counterpart. The Pipili block of Puri district, which was in news in 2012 for the alleged gangrape and murder of a dalit girl, again in 2016 here two women belonging to the Scheduled Caste community were paraded naked and made to walk on the road by upper caste people. On October 10, 2017 a 14-year-old dalit schoolgirl was returning home from the market of Kunduli in Koraput district Odisha, she was accosted by four men in battle fatigues, who allegedly gang-raped her. Dalits are, routinely denied entry into Hindu temples. Even when such entry is sanctioned by the courts, priests and upper castes resist such moves, often leading to violence. For instance on 25th June 2011 Dalits of Ranpada village of Puri district punished for entering into the temple. A numbers of schools of Odisha are in the list of 180 schools serving the mid-day meal across five states having allowed caste based discrimination. As per a report of Indian Express, the caste based discrimination was reported in primary school of Amtapada of Boudh district, Odisha.

CONCLUSION

By and large, heinous kind of Dalit atrocity cases are there in Odisha which distress the state of mind of a human being who do care about the integrity of human rights. Despite Article 17 of the Constitution of India abolishing Untouchability and the

promulgation of various legislations and policy measures which include Prohibition of Atrocity Act 1989, the rights of Dalits (SCs/STs) are infringed upon round the clock throughout the year. The most heinous, inhuman and terrorizing forms of atrocities indicate the continuous violation of civil, political, economic and cultural rights of Dalits. Former Prime Minister of India Dr. Manmohan Singh once said, unless the government accepts responsibility to end the widespread prejudice, crimes against Dalits will continue. In 2004, India's National Human Rights Commission (NHRC), a statutory government body, characterized the law enforcement machinery as the greatest violator of Dalits' human rights. Indeed, there is need of good governance along with an active and unbiased administration to put an end to Dalit atrocity in the perspective of human rights protection. Apart from that the importance of indigenous Dalit peoples' participation and the involvement of non-government actors are indispensable. Then there will be a possibility to put an end to Dalit atrocity and human rights violations in Indian democratic states like Odisha. As a human being the non-Dalit people should also join hand with the victims to protect the integrity of human rights and the dignity of the Dalits people who are also human being like them.

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