Socio-Cultural Status of Scheduled Caste and Schedule Tribe in India

Dr. Ashok Singh*

The **Scheduled Castes** (SCs), also known as the Dalit, and the **Scheduled Tribes** (STs) are two groupings of historically disadvantaged people that are given express recognition in the Constitution of India. During the period of British rule in the Indian sub-continent they were known as the Depressed Classes. The "Scheduled Castes" is the legal and Constitutional name collectively given to the groups which have traditionally occupied the lowest status in Indian society and the Hindu religion which provides the religious and ideological basis for an "untouchable" group, which was outside the caste system and inferior to all other castes. Today, untouchability is outlawed, and these groups are recognized by the Indian Constitution to be especially disadvantaged because of their past history of inferior treatment, and are therefore entitled to certain rights and preferential treatment.

In Andhra Pradesh, a large state in South of India, the NGO called SAKSHI Human Rights Watch A.P. has found women face horrific life of being raped, beaten, tortured, or forced into prostitution, as well as the more 'mundane' stories of humiliation at the hands of people belonging to higher castes. It is an overwhelming discrimination and disadvantages faced by these women on so many dimensions: lack of education, economic/employment disadvantages, social disempowerment, political invisibility and sexual oppression and the domestic violence as one most not talked about, common and frequent but also most accepted injustice.

Over the last few years, international human rights activists have brought attention to the Scheduled Castes and Scheduled Tribes in India, most prominently through efforts to place caste on the agenda of the UN World Conference against Racism.

The team of three MPA students in workshop (*Human Rights: From Grassroots Courage to International Influence)* investigated violence targeted at Scheduled Caste (SC) women and the goal of the study was to examine the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1995 in relation to atrocities against SC women, an under-researched population. Under the rules of the SC/ST Act, any crime committed against an SC by a non-SC qualifies as an atrocity. Further, the Act establishes Special Courts and Special Prosecutors to specifically address atrocities, provides victim compensation from the government and contains provisions to punish public servants for neglecting proper implementation of the Act. However, the rights of Scheduled Caste women continue to be violated because the government (and society more broadly) fails to enforce the existing laws.

To begin with, in the research of examining studies of caste and gender discrimination which describe the lack of power Scheduled Caste women have in relation to their highly hierarchical society -- they bear the triple burden of caste, class and gender. SC women are singularly positioned at the very bottom of Indian society.

Many studies in India point toward two main factors that perpetuate atrocities against Scheduled Caste women:

1. Scheduled Caste women are intentionally victimized by upper castes because they lack the social position to stand up for their rights individually and because assaulting or raping them reinforces the subordination of the whole SC community to upper castes.

* **Associate Professor, Deptt. of Sociology, S.V.P.G. College, Deoria**

The harm inflicted by a rape goes far beyond the physical and emotional trauma for the victim. Because rape diminishes a woman's purity - an important quality to maintain in these communities - rape also attacks men in their role as 'protector' of the purity of their sisters, wives and mothers. The end result is a situation where Dalit women are humiliated to be "used and thrown away," while Dalit men stand by powerless to do anything about it, a humiliation for them as well. In this way, men, women and their communities are injured by a rape, and intentionally subordinated by the perpetrators.

2. Scheduled Caste women do not know their rights and are too powerless individually to hold the Judiciary and the Executiveaccountable for enforcing protective laws.

A woman who was the victim of an atrocity often had nowhere to turn for help. Unfortunately, the police and courts would only reluctantly help an SC woman who had been raped, if they helped at all. If a woman and her family were determined and knowledgeable enough to get past the various hurdles to charge an attacker with a crime, they would often face a delay of two to three years before the trial took place, despite the existence of Special Courts. Over this time period, a victim's father or husband might succumb to community pressure to settle the case privately, often for a very small sum of money that is divided between the victim's family and the unofficial arbiters of the settlement and the woman who suffered a rape or other violent act has very little say in this.

In order to change the climate for SC women, many difficult changes are needed. Systemic limitations, such as poor political will and a dearth of educated SC female activists, impede a vigorous and proper implementation of the SC/ST Act. Unfortunately almost all SC women are unaware of the SC/ST Act's existence and the special protection it provides for them. Special rules to expedite rape cases and make the court a less hostile environment for SC women are needed. The SC women are fighting for rights from two vantage points - Women's rights and Dalit rights.

Another most devastating outgrowth of untouchability is a system of institutionalized prostitution called jogini. It is officially banned, although not legally defined as an 'atrocity' punishable under the Scheduled Caste and the Scheduled Tribe (Prevention of atrocities) Act. To briefly explain jogini, a scheduled caste family dedicates its young daughter to a village goddess, and when the girl reaches puberty she becomes an available sexual partner for all men in the village. The jogin's sexual partners are to become her patrons - as long as they want to be - and she never marries. As their (jogins) youth waned and they were no longer desirable sexual partners, they are no longer taken care of, have several children (with different fathers) to feed so most of them turn to begging for their daily survival.

These women's stories exposed a system that falsely convinces poor, caste-oppressed families that they can participate in religious life along with upper castes, interact with them and be taken care of economically. In fact, they are being exploited and their daughters robbed of their futures, freedom to marry, self-determination and control over their own bodies. A common expression quoted to describe the hypocrisy in this system is "untouchable by day, but touchable at night." This situation is particularly tragic from humane point of view because these girls were thrown into it by their own poor, uneducated parents.

While jogini was the 'worst' part of some field research, there are also some good things. Some human rights activist have talked to many jogins into quitting the system, amid outcries from their families and their village, which did not want to break with the 'tradition'. They also got one of them married.

The atrocities faced by the Scheduled Caste or Scheduled Tribe are elaborately discussed under Scheduled Caste and the Scheduled Tribe (Prevention of atrocities) (PoA) Act.

The (PoA) Act extends to the whole of India except Jammu and Kashmir, and responsibility of its implementation rests with State Governments.

The Offences under the Act:

The victim is a member of a scheduled caste or a scheduled tribe against whom any of the following offences is committed by the offender:

- forced to eat or drink an offensive or uneatable substance;
- caused annoyance, injury or insult by any excreta or waste matter being dumped in his premises or neighborhood;
- paraded naked or with painted face or body;
- wrongfully deprived of cultivation of his land;
- wrongfully deprived of his rights over any land, premises or water;
- forced to do begar or work as a bonded labourer;
- prevented from exercising his right to vote or according to his wishes;
- subjected to false legal proceedings;
- caused injury or annoyance by a public servant on the basis of false information given to him;
- deliberately insulted and humiliated in public view;
- a woman who is sexually assaulted;
- deprived of his right to clean drinking water;
- deprived of his right of passage to a public place;
- forced to leave his house or village;
- falsely implicated in a criminal case which might result in his imprisonment or execution;
- intended harm or injury by burning a place of his dwelling or worship;
- wrongfully caused injury or subjected to any other offence by a public servant.

The purpose of the act was to prevent crimes against members of scheduled castes and scheduled tribes; to provide for relief and rehabilitation of victims of such offences; to reform the society; and to provide the victim with an opportunity to lead a normal life.

The complaints/allegations of atrocities despite, provision of the enabling Act against the members of scheduled tribes (STs) is matter of concern. The Act has accordingly been strengthened to make the relevant provisions of the Act more effective. Based on the consultation process with all the stakeholders, amendments in the (PoA) Act were proposed to broadly cover few more areas. The objective of these amendments in the PoA Act is to deliver members of STs, a greater justice as well as be an enhanced deterrent to the offenders.

The Scheduled Caste and the Scheduled Tribe (Prevention of atrocities) Amendment Act, 2015 has been notified in the Gazette of India Extraordinary on 01.01.2016, the Central Government appointed 26.01.2016 as the date of enforcement of the Amendment Act, notified in the Gazette of India.

Excerpt from:

Atrocities against Scheduled Caste Women: Notes from the Field (Sharon Barnhardt)

OTHER ACTS **FOR** ENFORCING EQUALITY AND REMOVING DISABILITY

1. Untouchability Offences Act, 1955

Through **Article 17** of the Constitution, untouchability was abolished and its practice in any form had been abolished. Untouchability means the practices evolved as social restrictions

in sharing food, access to public places, offering prayers and performing religious services, entry in temple and other public places and denial of access to drinking water sources, etc.

2. Protection of Civil Rights Act, 1955

Based on the recommendations of the Committee, this Act was comprehensively amended in 1976 and its name was changed to "The Protection of Civil Rights Act, 1955". Under this Act, the preaching and practice of 'Untouchability' or the enforcement of any disability arising there from and for matters connected therewith, was made cognizable and non-compoundable offence and the terms of imprisonment were enhanced

3. Devdasi System Abolition Acts

Devdasi means a female servant of God. This ancient system entails the ceremonial or ritual dedication or marriage of a girl, traditionally from Scheduled Caste Community, who is yet to attain the age of puberty, to a deity or to a temple. Devdasis originally had only religious functions, but the practice subsequently degenerated into sexual abuse of these women by high priests, noblemen and local royal patrons and, later, by landed gentry and other powerful persons. Once dedicated, the Devdasi girl cannot marry and is forced to become a prostitute for caste Hindus and eventually auctioned to a brothel. The davadasi system continue to survive mainly because of the social beliefs, religious pressures and economic necessity and also because of the poor enforcement of Law in checking the Davadasi system.

The practice is prevalent largely in Karnataka, Andhra Pradesh, Maharashtra and Orissa. There is no national legislation outlawing the practice of Devdasi system. However, Andhra Pradesh has enacted a law called "Andhra Pradesh Devdasi (Prohibition of Dedication) Act, 1988 which provides for rehabilitation of such women, Karnataka Government has also enacted the Karnataka Devdasi (Prohibition of Dedication) Act, 1982, Maharashtra Devadasi (Abolition of Dedication) Act, 2006. Apart from this there is section 372 of the IPC which prohibits selling minors for the purpose of prostitution and Immoral traffic (Prevention) Act 1956 also makes prostitution an offence.

Further, the Supreme Court has directed all States and Union Territories, especially Karnataka, Maharashtra, Andhra Pradesh to strictly enforce the directives to check such unethical practices.

THE WATCHDOG ARRANGEMENTS

National Commission for SCs and STs

In view of their weak social position, it had been realized at the time of framing the Constitution itself, that safeguards provided for SCs/STs in its provisions and also other laws, regulatory arrangements and policy measures, may not get implemented due to apathy or bias of the implementing agencies or pressures mounted by vested interests in the civil society who stood to lose from them. Accordingly, the need was felt to have a standing body as a watchdog institution to continuously monitor whether the activities of the Government are in consonance with the declared intentions, designed legal & institutional arrangements and policy statements. A permanent institutional arrangement called the **Special Officer for SCs and STs** incorporated under **Article 338** of the Constitution served this purpose. Later, this arrangement was strengthened and in 1990 the Constitution was amended providing for a multi-member National Commission for SCs and STs with enhanced powers. The Commission is required to submit report annually to the Parliament. The first Constitutional Commission became operational on 12th March 1992.

National Human Rights Commission

The Human Rights Act, 1993 seeks to provide regulatory framework for protection of rights related to life, liberty, equality, dignity of individuals guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

National Commission for Women

Section 3 of National Commission for Women Act, 1990 provides for the constitution of National Commission for Women to investigate and examine all matters relating to safeguards provided for the women under the Constitution and various other laws.

Also The Commonwealth Human Rights Initiative (CHRI) is an international, independent non-profit organization headquartered in India. Its objectives are to promote the practical realisation of human rights in the Commonwealth. CHRI educates on human rights issues and advocates for greater adherence to human rights standards.

CONCLUSION

The major thrust of the suggested recommendations in most of studies has been on building the capacity of the Scheduled Caste and Schedule Tribes to look after their interests and problems themselves. These include becoming aware of rights and entitlements, using available channels/mechanisms to obtain relief/justice when faced with their violation, increasing level of participation at all levels, promoting organization to forge favourable alliances for their struggle and acquiring necessary skills to negotiate within the political processes for a more honorable deal.

The other consideration has been to strengthen their bargaining power in the unequal economic relations they are confronted with, by seeking to reduce their vulnerability through focused execution of regulatory and development program in a convergent mode. These measures would help them assert rather than acquiesce in illegal and unjust compromises and thereby enable them to slowly move forward towards a more liberated existence. The mechanisms/arrangements which create support systems for them, both within and outside the Government constitute the third set of measures. Through them Scheduled Castes can access individuals, organizations/institutions helpful to them with their grievances or complaints when they find that the existing official agencies have failed to respond.

These support structures would exert pressure on Government agencies to act and, where necessary, mobilize watchdog organizations for intervention.

In the range of offences which constitute atrocities, women suffer the most because in their case violence against them is compounded with indignity and humiliation. While they face all forms of violence which are also inflicted on men, they are additionally subjected to sexual offences to break their own morale and the morale of their male folk and the community. Violence against them is used as a weapon of pressuring their men to surrender by the security forces in certain situations and as a retaliatory action by armed militias of adversaries to intimidate them or take revenge for what their men had done to them.

They are therefore more vulnerable but less equipped than men to cope with the trauma resulting from it. That is why considerable attention has to be devoted to confidence building measures and coping mechanism among SC women and setting up support structures for grievance redressal. But women are sometimes victims of the suspected violence from the community too which leave them with little protection because of social sanction. In such situations, while the community has to be targeted for action, the victim women need help and support from Government.

However, despite the overwhelming odds against them, former "Untouchables" are gaining increasing access to education and their expectations and aspirations are rising.

Increasingly they are refusing to accept their former degraded and subservient position and, if they are able to organize across barriers of language and sub-caste, should present a formidable challenge to government.

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