



HUMAN RIGHTS AND THE DALITS: ROLE OF EDUCATION

Dr. M. A. M. S. Ansari

Assistant Professor, Bombay Teachers' Training College

Abstract

During the past few years, human rights education has been the subject of discussion in different forms throughout the world. The United Nations in general and the UNESCO in particular at the international level and National Human Rights Commission (NHRC) at the national level have spearheaded the movement for the incorporation of human rights in curricula at all stages of education. It is a truism to state that education is an effective instrument to promote observance of human rights because it is through the process of education that respect for human rights can be developed.

The present paper describes one of the significant features of the Indian Social Structure in the prevalence of the caste system which is universally identified through its pollution and purity axis. For various reasons, the Hindu Social order permitted the recognition and acceptance of untouchability which is perhaps the greatest crime against crime.

Today people in different parts of India are still fighting in the name of caste which really disturbs the entire society. But it doesn't stop here, the situation even after independence and especially related to Dalits is highly pathetic in the 21st century.

Present paper highlights the laws which were made for the protection of Scheduled Caste & Scheduled Tribes people, its awareness, extent of knowledge and sources of awareness of legislations, practice of untouchability. The paper also highlights the administrative measures & misuse of law. The paper suggests few recommendations for the betterment of people of Scheduled Castes and Scheduled Tribes and role of education.

Introduction

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Structure in the prevalence of the caste system which is universally identified through its pollution and purity axis. For various reasons, the Hindu Social order permitted the recognition and acceptance of untouchability which is perhaps the greatest crime against crime.

About the Constitution of India

The paper throws light on how the constitution makers had to enshrine its prevention under the Chapter on Fundamental Rights. Article 17 which reads as ‘untouchability is abolished and its practice in any form is prohibited’ and it came into practice from 26th January 1950, but the Untouchability (Offences) Act was enacted in 1955. Although this social legislation had certain merits in arresting the practice of untouchability, it failed to make a significant impact on the society. The year 1976 saw a radical change in the structure of the 1955 Act.

Untouchability has been a matter of shame for centuries. The practice of untouchability is the greatest curse of the Indian social system. The founding fathers of the Indian constitution took note of this evil and enshrined certain safeguards in the constitution.

About the Laws

The two Acts – **Protection of Civil Rights Act, 1955** (PCR Act) & **Scheduled Caste, Scheduled Tribes (Prevention of Atrocities Act, 1989** (called Atrocities Act).

- **Awareness of social legislations** – Untouchability (offences) Act, PCR Act, Prevention of Atrocities Act, and constitution
- **Extent of knowledge** – Untouchability (offences) Act, PCR Act, Prevention of Atrocities Act, and constitution
- **Sources of Awareness of legislations** – Newspaper, radio, T.V., friends, activists, Government departments and social conflicts.

The views of the Scheduled caste people, both general and special groups views of non-scheduled caste people, the police and legal men

- The awareness of social legislations among the general scheduled caste & Special

groups scheduled caste respondent is poor.

- The extent of knowledge of the legislations among the general scheduled caste & Special groups scheduled caste respondent had partial knowledge.
- The sources of knowledge of the legislations among the general scheduled caste & Special groups scheduled caste respondent through Newspaper, radio, T.V., friends, activists, Government departments and social conflicts have limited effect.

It means the existence of legal enactments has no relevance to the people for whose protection these are made. Efforts of the State administrative machinery are quite ineffective and inadequate.

Awareness of Administrative Measures (Civil rights enforcement cell, mobile courts, special courts, summary trial, collective fine, legal aid)

- **Awareness of Administrative Measures** among the general scheduled caste & Special group of scheduled caste respondent are hardly aware of this measure.
- **Extent of knowledge** - The ordinary scheduled castes that have some awareness of these have a poor knowledge but better among the special group of scheduled caste groups.
- **Sources of awareness of Administrative Measures** among the general scheduled caste & Special group of scheduled caste respondent have a very little effect.

Practice of untouchability – It is nothing wrong if one assumes that the practice of untouchability has ceased today in the context of legal enactments and administrative measures. But the social realities surface when one goes to the grass root level. The data (hotels, temples, religious processions, tank water, tap water, social mixing, economic activities and political activities) provided shows that untouchability still prevails only exceptional in political activities to some extent.

It is evident that the non-scheduled caste respondents are almost unaware of the very existence of several legal guarantees in favour of the scheduled castes. Even among those who have awareness of the various legislations have partial knowledge. **The**

situation seems to be still worse in matters relating to administrative measures.

A few **case studies** are also presented in support of the statistical analysis like temple entry, Venogopalswamy temple entry, Siddeshwara temple, Hosadurga incident, Devalagangapur incident, untouchability and water sources, Dispute over tap, Clashes over Borewell water, Eve-teasing, Bonded labour, attack for refusal to slaughter.

Focus on the Untouchability Offences and the Atrocities

The success or failure of social legislations and administrative measures of the state to ensure a radical break-through in the oppressive conditions of the weaker sections like the scheduled castes would very much depend on the goodwill, commitment and efficiency of the concerned authorities involved in bringing about the changes. No social legislations, no administrative measures per se even reach the shadow of successful implementation without the cooperation of and coordination among the concerned authorities. The important authorities are the Police, the Judiciary, the Prosecutors and the Civil Rights Enforcement Directorate. Their working relationship is inter-woven. Not only these authorities should be effective but also there should be cohesion and linkages. If any link is weak, then the result will be poor.

Highlights of the consequences faced by the SCs (Scheduled Caste, Scheduled Tribes) people

There are ten forms of threats, prohibition and harassment to which the SCs people are subjected like threat to life, murder, burning huts, forced labour, insult to women, social boycott, removal from job, assault, scolding and other forms. The victim is not ready to go to the police station because of the treatment he/she has to undergo, if the victim goes then problems faced at the time of registration of complaints like non-availability of officers, refusal, attempt to compromise, threats and rude behaviour.

- Awareness of social legislations among the Police officers is quite dismal. The extent of knowledge possessed by the policemen is also very poor.

- Awareness of Administrative measures of the State among the Police is quite low. The extent of knowledge about administrative measures of the State possessed by the policemen is partial.
- Sources of awareness about social legislations & administrative measures (orientation, books, circulars, meetings, friends and newspapers) among the Police are not very encouraging.
- **Courts** – the reason given by the SCs for not being happy with the courts like delay, waste of money, adjournments and not committed. A large number of cases are pending.
- **Prosecutors** – some are sincere, busy, indifferent and hostile (unsympathetic). But what is the use when they cannot help.

Highlights of the controversy over misuse of law (related to false complaints / to put good person into trouble)

A large number of the respondents whether general SCs or special groups of SCs or Non SCs or Police officers of lower ranks are generally not familiar with the provisions of law as laid down in section 7 of the Protection of Civil Rights Act.

Scope for misuse of law for example A Vice-Chancellor of one of the Universities had some problems from the SCs employees. The strained relationship was over non-compliance with the government orders on reservations, as alleged by some. The Vice-Chancellor tried to convince the employees that he would do his best, but within the frame of rules and procedures. The employees were not happy. Two of their representatives became restless and abused the Vice-Chancellor. They went to the extent of lodging a complaint in the nearby Police Station.

The vast majority of Non-SCs, the Police and judges and others connected with the law say that the legal provisions are misused when false complaints are often made and thus the whole situation gets mixed up.

Three suggestions or measures indicated by the SCs for prevention of misuse of law are deterrent punishment, making the offence non-cognizable and holding proper enquiry. According to the respondents such a measure would lead to reduction in the

number of cases which in turn leads to quicker investigations and disposal and would also create a sense of belief among the concerned officers. Harassment would be reduced and Police would find time to verify the cases and then proceed further.

There is a conflict to make changes in the structure of the Protection of Civil Rights Act. Some feel there is absolutely no need to change and some feel there is a need to change the law to some extent. The views of Non-SCs, Police and judges and others are quite different. Majority of them desire to bring about some changes in the PCR Act.

Recommendations

1. Creation of Awareness
2. CRE Directorate
3. Coordinating Body
4. Special / Mobile Courts
5. Training
6. Monitoring Committee
7. Meetings
8. Incentives
9. Abuse of legal Provisions
10. Compounding
11. Integrated Legislations

Role of education

Education is the right of all children and obligation of government. It is a key to the fulfillment of other human rights. It is the most important experience in the process of personality development and most effectively help in promoting optimum development of an individual's potentialities.

1. Produces changes in values and attitudes
2. Produces changes in behaviour.
3. Produces empowerment for social justice.
4. Develops attitudes of solidarity across issues and nations

5. Develops knowledge and analytical skills
6. Produces participatory education

Thus from the above discussion the paper presenter personally felt that whatever was happening before British came to India, while going they were instrumental in dividing India further. But it doesn't stop here, the situation even after independence and especially related to Dalits is highly pathetic. Today people in different parts of India are still fighting in the name of caste which really disturbs the entire society. For example, Khairalanji case or Ramabai Nagar at Ghatkopar case in Mumbai. Some people (who are so called literate) are not ready to change their attitude and so the problem will continue. I may say it is an unfinished agenda.

In the end I will only say the varna system (Brahmin, Shatriya, Vaishya, Shudra) needs to be abolished because we are children in the eyes of God. It is the need of the hour to change the attitude of the people. One of the Urdu Shayar rightly says – *Ek hi saf mein khade ho gaye Mahmood-o-Ayaz Na koi banda raha aur na koi banda-nawaz*. It means Sultan and slave in single file stood side by side. Then no servant was nor master, nothing did them divide.

It means whether you are rich or poor, whether you belong to upper caste or lower caste, we need to forget all our differences and remain united so that we can dream for a better tomorrow.

To conclude – To get and to give create many problems, but living with simple attitude, forget & forgive solves the entire problem.

References

1. Khan, M. A. (1995). *Human rights and the Dalits*. Uppal Pub. House.
2. Bruns B, Minat A and Rakotomalala (2003). *Achieving the Universal Primary Education by 2015 A chance for Every Child*. Washington, World bank
3. United Nations General Assembly (1948). *Universal Declaration of Human Rights*, New York, UN
4. Reddy N. (2006). *Importance of Human Rights Education*, retrieved from http://EzineArticles.com/expert/Naraginti_Reddy/65492 on 1st June, 2016.

5. Thomas, George M., John W. Meyer, Francisco O. Ramirez, and John Boli. 1987. *Institutional Structure: Constituting State, Society, and the Individual*. Beverly Hills, Calif.: Sage.
6. Government of India ministry of social justice and empowerment (2008) Report u/s 15 A (4) of the Protection of Civil Rights Act, 1955 for the year 2008, retrieved from <http://socialjustice.nic.in/pdf/arpcr08.pdf> on 30th May, 2016