



FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB

Semeste: IV

SUBJECT: SOCIOLOGY –

III

SUBJECT CODE: BAL-401

NAME OF FACULTY: DR

INDERJEET KAUR

Lecture- 16



Prevention of Atrocities Act

The Government of India has attempted on several occasions to legislate specifically to address the issue of caste-related violence that affects SCs and STs. Aside from the Constitutional abolition of untouchability, there has been the Untouchability (Offences) Act of 1955, which was amended in the same year to become the Protection of Civil Rights Act. It was determined that neither of those Acts were effective, so the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act of 1989 (POA) came into force.[81] The POA designated specific crimes against SCs and STs as "atrocities" – a criminal act that has "the quality of being shockingly cruel and inhumane" – which should be prosecuted under its terms rather than existing criminal law.[81] It created corresponding punishments. Its purpose was to curb and punish violence against Dalits, including humiliations such as the forced consumption of noxious substances. Other atrocities included forced labour, denial of access to water and other public amenities, and sexual abuse. The Act permitted Special Courts exclusively to try POA cases. The Act called on states with high levels of caste violence (said to be "atrocities-prone") to appoint qualified officers to monitor and maintain law and order.[citation needed] In 2015, the Parliament of India passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act to address issues regarding implementation of the POA, including instances where the police put procedural obstacles in the way of alleged victims or indeed outright colluded with the accused. It also extended the number of acts that were deemed to be atrocities.[81] [82] One of those remedies, in an attempt to address the slow process of cases, was to make it mandatory for states to set up the exclusive Special Courts that the POA had delineated. Progress in doing so, however, was reported in April 2017 to be unimpressive. P. L. Punia, a former chairman of the NCSC, said that the number of pending cases was high because most of the extant Special Courts were in fact not exclusive but rather being used to process some non-POA cases, and because "The special prosecutors are not bothered and the cases filed under this Act are as neglected as the victims".[83] While Dalit rights organisations were cautiously optimistic that the amended Act would improve the situation, legal experts were pessimistic.[81] Segregation Fa Xian, a Chinese Buddhist pilgrim who recorded his visit to India in the early 5th century, mentioned segregation in the context of the untouchable Chandala community:[84] Throughout the country the people kill no living thing nor drink wine, nor do they eat garlic or onions, with the exception of Chandalas only. The Chandalas are named 'evil men', and dwell apart from others; if they enter a town or market, they sound a piece of wood in order to separate themselves; then men, knowing who they are, avoid coming in contact with them. — Fa Xian, 399–414 CE[84][85] While discrimination against Dalits has declined in urban areas and in the public sphere,[86] it still exists in rural areas and in the private sphere, in everyday matters such as access to eating places, schools, temples and water sources.[87] Some Dalits successfully integrated into urban Indian society, where caste origins are less obvious. In rural India, however, caste origins are more readily apparent and Dalits often remain excluded from local religious life, though some qualitative evidence suggests that exclusion is diminishing.[88][89] According to the 2014 NCAER/University of Maryland survey, 27 per cent of the Indian population still practices untouchability. The figure may be higher because many people refuse to acknowledge doing so when questioned, although the methodology of the survey was also criticised for potentially inflating the figure.[90] Across India, Untouchability was practised among 52 per cent of Brahmins, 33 per cent of Other Backward Classes and 24 per cent of non-Brahmin forward castes.[91] Untouchability was also practiced by people of minority religions – 23 per cent of Sikhs, 18 per cent of Muslims and 5 per cent of Christians.[92] According to statewide data, Untouchability is most commonly practiced in Madhya Pradesh (53 per cent), followed by Himachal Pradesh (50 per cent), Chhattisgarh (48 per cent), Rajasthan and Bihar (47 per cent), Uttar Pradesh (43 per cent), and Uttarakhand (40 per cent).[93] Examples of segregation have included the Madhya Pradesh village of Ghatwani, where the Scheduled Tribe population of Bhilala do not allow Dalit villagers to use public borewell for fetching water and thus they are forced to drink dirty water.[94] In metropolitan areas around New Delhi and Bangalore, Dalits and Muslims face discrimination from upper caste landlords when seeking places to rent.[95][96] Social persecution by caste Hindus In several incidents if dalits found burning holika for Holika Dahan ceremony, they are tonsured and paraded naked in the

villages.[97] Also in some parts of India, there have been allegations that Dalit grooms riding horses for wedding ceremonies have been beaten up and ostracised by upper caste people.[98][99][100] In August 2015, upper caste people burned houses and vehicles belonging to Dalit families and slaughtered their livestock in reaction to Dalits daring to hold a temple car procession at a village in Tamil Nadu.[101][102] In August 2015, it was claimed that a Jat Khap Panchayat ordered the rape of two Dalit sisters because their brother eloped with a married Jat girl of the same village.[103][104] [105] Religion Most Dalits in India practice Hinduism.[citation needed] According to the 61st round Survey of the Ministry of Statistics and Programme Implementation, 90 percent of Buddhists, one-third of Sikhs, and one-third of Christians in India belonged to Scheduled Castes or Scheduled Tribes. [106][107] Hinduism Histor] Ambedkar said that untouchability came into Indian society around 400 AD, due to the struggle for supremacy between Buddhism and Brahmanism (an ancient term for Brahmanical Hinduism).[108] Some Hindu priests befriended Dalits and were demoted to lowcaste ranks. Eknath, another excommunicated Brahmin, fought for the rights of untouchables during the Bhakti period. Historical examples of Dalit priests include Chokhamela in the 14th century, who was India's first recorded Dalit poet. Raidas (Ravidass), born into a family of cobblers, is considered a guru by Dalits and is held in high regard. His teachings and writings form part of the Sikh holy book, the Guru Granth Sahib. The 15th-century saint Ramananda Ray accepted all castes, including Untouchables, into his fold. Most of these saints subscribed to the medieval era Bhakti movement in Hinduism that rejected casteism. The story of Nandanar describes a low-caste Hindu devotee who was rejected by the priests but accepted by God. [citation needed] Reform movements In the 19th century, the Brahmo Samaj, Arya Samaj and the Ramakrishna Mission actively participated in Dalit emancipation. While Dalits had places to worship, the first upper-caste temple to openly welcome Dalits was the Laxminarayan Temple in Wardha in 1928. It was followed by the Temple Entry Proclamation issued by the last King of Travancore in the Indian state of Kerala in 1936.[citation needed] The Punjabi reformist Satnami movement was founded by Dalit Guru Ghasidas. Guru Ravidas was also a Dalit. Giani Ditt Singh, a Dalit Sikh reformer, started Singh Sabha movement to convert Dalits. Other reformers, such as Jyotirao Phule, Ayyankali of Kerala and Iyothee Thass of Tamil Nadu worked for Dalit emancipation.[citation needed] In the 1930s, Gandhi and Ambedkar disagreed regarding retention of the caste system. Whilst Ambedkar wanted to see it destroyed, Gandhi thought that it could be modified by reinterpreting Hindu texts so that the untouchables were absorbed into the Shudra varna. This was this disagreement that led to the Poona Pact.[38] Despite the disagreement, Gandhi began the Harijan Yatra to help the Dalits.[citation needed] The declaration by princely states of Kerala between 1936 and 1947 that temples were open to all Hindus went a long way towards ending Untouchability there.[citation needed] However, educational opportunities to Dalits in Kerala remain limited.[109] Other Hindu groups attempted to reconcile with the Dalit community. [citation needed] Hindu temples are increasingly receptive to Dalit priests, a function formerly reserved for Brahmins.[110][111][112] The fight for temple entry rights for Dalits continues to cause controversy.[113] Brahmins such as Subramania Bharati passed Brahminhood onto a Dalit[citation needed] , while in Shivaji's Maratha Empire Dalit warriors (the Mahar Regiment) joined his forces.[114][115] In a 2015 incident in Meerut, when a Dalit belonging to Valmiki caste was denied entry to a Hindu temple he converted to Islam.[116] In September 2015, four Dalit women were fined by the upper-caste Hindus for entering a temple in Karnataka.[117] There have been allegations that Dalits in Nepal are denied entry to Hindu temples.[118][119] In at least one reported case were beaten up by some upper caste people for doing so.[120] Buddhism[In Maharashtra, Uttar Pradesh, Tamil Nadu and a few other regions, Dalits came under the influence of the neo-Buddhist movement initiated by Ambedkar. In the 1950s, he turned his attention to Buddhism and travelled to Ceylon to attend a convention of Buddhist scholars and monks. While dedicating a new Buddhist vihara near Pune, he announced that he was writing a book on Buddhism, and that he planned a formal conversion. Ambedkar twice visited Burma in 1954; the second time to attend a conference of the World Fellowship of Buddhists in Rangoon. In 1955, he founded the Bharatiya Bauddha Mahasabha (Buddhist Society of India). He completed writing *The Buddha and His Dhamma* in May 1956.[121] After meetings with the Buddhist monk Hammalawa Saddhatissa, Ambedkar organised a public ceremony for himself and his supporters in Nagpur on 14 October

1956. Accepting the Three Refuges and Five Precepts in the traditional manner, he completed his conversion. He then proceeded to convert an estimated 500,000 of his supporters. Taking the 22 Vows, they explicitly condemned and rejected Hinduism and Hindu philosophy.[122][123][124] Sikhism Guru Nanak in Guru Granth Sahib calls for everyone to treat each other equally. Subsequent Sikh Gurus, all of whom came from the Khatri caste, also denounced the hierarchy of the caste system.[125] Despite this, social stratification exists in the Sikh community. The bulk of the Sikhs of Punjab belong to the Jat caste;[126] there are also two Dalit Sikh castes in the state, called the Mazhabis and the Ramdasias.[127] Sunrinder S. Jodhka says that, in practice, Sikhs belonging to the landowning dominant castes have not shed all their prejudices against the dalit castes. While dalits would be allowed entry into the village gurudwaras they would not be permitted to cook or serve langar (the communal meal). Therefore, wherever they could mobilise resources, the Sikh dalits of Punjab have tried to construct their own gurudwara and other local-level institutions in order to attain a certain degree of cultural autonomy.[128] In 1953, Sikh leader, Master Tara Singh, succeeded in winning the demands from the Government to include Sikh castes of the converted untouchables in the list of scheduled castes. In the Shiromani Gurdwara Prabandhak Committee (SGPC), 20 of the 140 seats are reserved for low-caste Sikhs.[129] Sikhs adopt standard surnames such as Singh to disguise caste identities. Nevertheless, families generally do not marry across caste boundaries. [citation needed] Talhan Gurdwara conflict[In 2003 the Talhan village Gurudwara endured a bitter dispute between Jat Sikhs and Chamars. The Chamars came out in force and confronted the Randhawa and Bains Jat Sikh landlords, who refused to give the Chamars a share on the governing committee of a shrine dedicated to Shaheed Baba Nihal Singh. The shrine earned 3– 7 crore Indian Rupees, and the Jat Sikh landlords allegedly "gobbled up a substantial portion of the offerings". Though Dalits form more than 60 per cent of Talhan's 5,000-strong population, local traditions ensured that they were denied a place on the committee. The landlords, in league with radical Sikh organisations and the SGPC, attempted to keep out the Dalits by razing the shrine overnight and constructing a gurudwara on it, but the Dalit quest for a say in the governing committee did not end. [130] Chamars fought a four-year court battle with the landlords and their allies, including the Punjab Police. In that time Dalits conducted several boycotts against the Chamars. The Jat Sikhs and their allies cut off the power supply to their homes. In addition, various scuffles and fights set Chamar youths armed with lathis, rocks, bricks, soda bottles and anything they could find fought Jat Sikh landlords, youths and the Punjab police. Dalit youngsters painted their homes and motorcycles with the slogan, Putt Chamar De (proud sons of Chamars) in retaliation to the Jat slogan, Putt Jattan De. [130] Jainism Historically Jainism was practiced by many communities across India.[131] They are often conservative and are generally considered upper-caste.[132] In 1958,[133] a Sthanakvasi Jain called Muni Sameer Muni[134][135] came into contact with members of the Khatik community in the Udaipur region, who decided to adopt Jainism. Their centre, Ahimsa Nagar, located about four miles from Chittorgarh, was inaugurated by Mohanlal Sukhadia in 1966. Sameer Muni termed them Veerwaal, [136] i.e. belonging to Mahavira. A 22-year-old youth, Chandaram Meghwal, was initiated as a Jain monk at Ahore town in Jalore district in 2005.[137] In 2010 a Mahar engineer called Vishal Damodar was initiated as a Jain monk by Acharya Navaratna Sagar Suri at Samet Shikhar.[138] Acharya Nanesh, the eighth Acharya of Sadhumargi Jain Shrivak Sangha had preached among the Balai community in 1963 near Ratlam.[139] His followers are called Dharmapal. [140] In 1984, some of the Bhangis of Jodhpur came under the influence of Acharya Shri Tulsi and adopted Jainism.