RAJASTHAN STATE HUMAN RIGHTS COMMISSION

Under the guidance of
Chairperson,
Justice N.K. Jain
(Former Chief Justice
High Court of Madras & Karnataka)

With best Compliments
RSHRC

RAJASTHAN STATE HUMAN RIGHTS COMMISSION

Hon'ble Chairperson and Members Of Rajasthan State Human Rights Commission are:

Justice N K Jain,
Chairperson

Justice Jagat Singh

Shri D.S.Meena

Shri Pukhraj Seervi

Hon'ble Chief Minister Shri Ashok Gehlot

RAJASTHAN STATE HUMAN RIGHTS COMMISSION

Project on DALIT’S RIGHTS

With kind inspiration from
Hon’ble Mr. Justice Nagendra Kumar Jain,
(Former Chief Justice of Madras and Karnataka High Court)
Chairperson - R.S.H.R.C

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RAJASTHAN STATE HUMAN RIGHTS COMMISSION SECRETARIAT
SOME ESTIMATES FOR DALITS

WHO ARE DALITS
A group of people traditionally regarded as untouchable.
Socially and economically backward people.
Shudras, one of the four castes of the Varna System.

SOURCE OF RIGHT TO JUSTICE
- CONSTITUTION AND DALITS
- Fundamental Rights and Dalits
- Directive Principles and Dalits
- Some special clauses for Dalits outside of these two categories

INDIAN CONSTITUTION FOR DALITS
**FUNDAMENTAL RIGHTS AND DALITS**

- Art. 14 – Equality before law
- Art. 15 – Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
- Exception to the Art 15 i.e. 15 (4): State has right to make special provisions for the development of any particular sections of the society.
- 16(4): reservation for SCs and STs in government jobs.
- Art. 17- Abolition of untouchability

**DIRECTIVE PRINCIPLES AND DALITS**

- Art. 46- Promotion of educational and economic of Scheduled Castes, Schedules Tribes and other weaker sections.

**SOME OTHER SPECIAL PROVISIONS FOR DALITS**

- Art. 325- No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
- Art. 243(d) - reservation of SC and STs in Panchayats.
- Art. 243(d) – reservation in Municipalities
- Art. 330 – reservation in the Parliament
- Art. 332 – reservation in State legislatures

**SOME SPECIAL LEGISLATIONS FOR DALITS**

- Law Against Untouchability Act, 1955
- Rajasthan Tenancy Act, 1955
**PROBLEM WITH THE ACT**

- In practice the Act has suffered from a near-complete failure in implementation.
- Policemen have displayed a consistent unwillingness to register offenses under the act.
- According to a 1999 study, nearly a quarter of those government officials charged with enforcing the Act are unaware of its existence.
- Lower courts are not having good infrastructure.
- The lower Courts have no convenient building or physical facilities.
- In some courts security systems is also not good.
- Financial aid should be provided to Bar Associations.
- Good working condition leads to excellence of service and qualitative justice to the litigating public.

**RAJASTHAN TENANCY ACT, 1955**

- According to section 42, no one can purchase or make a will or gift of a land from ST’s and SC’s and if it would be done, it will be regarded as null and void.

**LAW AGAINST UNTOUCHABILITY, 1955**

- Implement article 17 of the constitution, govt. of India made the Act to remove the sin of untouchability from society.
- All public places are open to everyone without any discrimination regarding caste.
- Violation of this act would attract fine of Rs. 500 and imprisonment upto 1 year.

**DALITS AS UTOUCHABLES**

- According to the Manusmriti, Brahma produced Shudra through his feet, which is the most unsacred part of the body.
- Hence Shudras or Dalits are considered lowly and impious.
- Manu has even considered Shudra equal to human excreta.
THE VARRNASYSTEM

- If we trace back to the Hinduism, Hindus were divided in four categories.
- These four varnas were- Brahmin, Kshatriya, Vaishya and Shudra.
- The division was based on occupation and labour in the Vedas.
- At the lower most rung of the system stands the Shudra Varna and duty of this Varna is to serve all the three Varnas.

DALITAS BACKWARD PEOPLE

- They are often denied the basic rights of education,
- Housing and property rights,
- Freedom of religion,
- Choice of employment (many Dalits accept payment of less than $1 USD per day), and equal treatment before the law (89% of all court cases involving crimes against Dalits result in acquittals).

ETYMOLOGY

The word “Dalit” comes from the Marathi language, and means “ground”, “suppressed”, “crushed”, or “broken to pieces”. It was first used by Jyotirao Phule in the nineteenth century, in the context of the oppression faced by the erstwhile “untouchable” castes. Mohandas Gandhi coined the word Harijan, translated roughly as “Children of God”, to identify the former Untouchables. The terms “Scheduled castes and scheduled tribes” (SC/ST) are the official terms used in Indian government documents to identify former “untouchables” and tribes.

THE PREVENTION OF ATROCITIES ACT

- Purpose- to curb and punish violence against Dalits.
- The Act includes the activities like forced consumption of noxious substances, and systemic violence e.g. forced labor, denial of access to water and other public amenities, and sexual abuse of Dalit women as “atrocities”.
- Creation of Special Courts under the Act.
- Appointment of qualified officers to monitor and maintain law and order.
SOCIAL STATUS OF DALITS

- Dalit status has often been historically associated with occupations regarded as ritually impure, such as any involving leatherwork, butchering, or removal of rubbish, animal carcasses, and waste.
- Engaging in these activities was considered to be polluting to the individual, and this pollution was considered contagious.
- As a result, Dalits were commonly segregated, and banned from full participation in Hindu social life.
- For example, they could not enter a temple nor a school, and were required to stay outside the village.

REFORM MOVEMENTS FOR DALITS UPLIFTMENT

- Bramha Movement by Raja Rammohan Roy.
- The Harijan Sevak Sangh by Mahatma Gandhi.
- The Satyashodhak Movement by Mahatma Jyotiba Phule in Maharashtra.
- The Temple Entry Movement by T. K. Madhawan in South India.

STEPS TO BE TAKEN FOR THE BETTERMENT OF DALITS

- Opportunities of jobs and education.
- Improved education, health and employment.
- Special Missions for empowering ST's, SC's and OBC's.

DALITS IN 2010

- Some dalits from schedule castes were successful in reaching higher level in politics and economic status due to SC, ST reservation in representation e.g. in the Parliament and state legislatures and educational institutions and government services.
- Despite discrimination laws, many Dalits still suffer from social stigma and political oppression.
- In urban Indian society, caste origins are less obvious and less important in public life.
- While 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 its severity is fast diminishing.
One study found some association between caste status and Y-chromosomal genetic markers seeming to indicate a more European lineage of the higher castes.

However, many recent studies indicate no genetic differences between upper and lower castes.

Caste differentiation between Indians is regarded by many as a social construct between Indian people, and is claimed not to have a genetic basis.

<table>
<thead>
<tr>
<th>Religion</th>
<th>Scheduled Caste</th>
<th>Scheduled Tribe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buddhism</td>
<td>89.50%</td>
<td>7.40%</td>
</tr>
<tr>
<td>Christianity</td>
<td>9.00%</td>
<td>32.80%</td>
</tr>
<tr>
<td>Sikhism</td>
<td>30.70%</td>
<td>8.90%</td>
</tr>
<tr>
<td>Hinduism</td>
<td>22.20%</td>
<td>9.10%</td>
</tr>
<tr>
<td>Zoroastrianism</td>
<td>-</td>
<td>15.90%</td>
</tr>
<tr>
<td>Jainism</td>
<td>-</td>
<td>2.60%</td>
</tr>
<tr>
<td>Islam</td>
<td>0.80%</td>
<td>0.50%</td>
</tr>
</tbody>
</table>
**SOME FAMOUS REFORMISTS**

- Raja Ram Mohan Roy
- Ishwar Chand Vidyasagar - worked specially for widow remarriage.
- Dr. Atmaram Pandurang - established Pratina Samaj.
- Dr. Bhimrao Ambedkar - established Bahishkrit Hitkaari Sabha and Samaj Samata Sangh.
- Dayanand Saraswati
- D.K. Karve - established first Women University, he is also known as Anna Maharishi.

**REFORM MOVEMENTS IN OTHER RELIGIONS**

- Farezi Movement by Hazi Shariyat Ullah in Muslims.
- The Naamdhari Movement in Sikhs.

**PRE- INDEPENDENCE SOCIAL REFORMISTS**

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- Ishwar Chand Vidyasagar - worked specially for widow remarriage.
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**SOCIAL REFORMISTS FROM SOUTH INDIA**

- E.V. Ramaswami Naikar, also known as Periyar, started the Atma Samman Movement.
- K. Veeresalingam - established Hitakarini Sangh.
- Narayan Guru - established Shri Narayan Dharma Paripalan Yogam.
- T. K. Mahadewan - attached with Viasom Satyagraha.
- Comply with directions given by the Secretary of the Legal Services Authority.
- Attend the office of the committee or courts as well as of the advocates assigned, as when required.
- Furnish true and full information to the advocate rendering legal service.
- Not pay any fee or expenses to the advocate rendering legal service.
**WOMEN REFORMISTS**
- Annie Besent - set up Home Rule League, worked for women’s rights and equality of Dalits
- Sister Nivedita - also known as Margeret Elizabeth Novel, worked for the downtrodden in India.
- Subadhra Kumari Chauhan - a born poet and social reformer.

**POST INDEPENDENCE SOCIAL REFORMISTS**
- Aruna Roy
- Mayawati
- Arunndhati Roy

**2001 CENSUS ON SCs**
- SC population – 166,635,700 persons, constituting 16.2% of the total population
- 79.8 per cent of them live in rural areas and rest 20.2% live in urban areas.
- Sex ratio- 936 females per thousand males

**TOP FIVE STATES HAVING HIGHEST PERCENTAGE OF SCs**
- Uttar Pradesh (21.1 per cent)
- West Bengal (11.1 per cent)
- Bihar (7.8 per cent)
- Andhra Pradesh (7.4 percent)
- Tamil Nadu (7.1 percent)
2001 CENSUS ON STs

- ST population - 84,326,240 persons, constituting 8.2 per cent of the total population.
- 91.7 per cent of them live in rural areas, whereas, only 8.3 per cent inhabit in urban areas.
- Sex ratio - 978 females per thousand males.

TOP FIVE STATES HAVING HIGHEST PERCENTAGE OF STs

- Madhya Pradesh (14.5 percent)
- Maharashtra (10.2 per cent)
- Orissa (9.7 per cent)
- Gujarat (8.9 per cent)
- Rajasthan (8.4 per cent)

LATEST SCHEMES FOR DALITS

- Dr. Ambedkar Medical Aid Scheme- provides medical treatment facilities to the patients belonging to SC category.
- To popularize these schemes among the targeted groups, govt. gave wide publicity with the help of information technology. Details of the schemes are available on
- www.ambedkarfoundation.nic.in
- www.socialjustice.nic.in
- Centrally sponsored Babu Jagjivanram Chhatrawas Yojana for construction of hostels for SC girls and boys.

NOD FOR SC/ ST BILL

- The Rajya Saha on 23rd December 2008, passed the SC and ST (Reservation in Posts and Services) Bill, 2008 to give statutory backing to the reservation for SC/ STs in government jobs.
- The Bill will elevate the provisions of reservation to a statutory right.
NEW SCHEME OF EDUCATION TO DALIT'S GIRLS

Kasturba Gandhi Balika Vidyalaya (KGBV) scheme for setting up residential schools at upper primary level for girls especially belonging to SC, ST, OBC and minority communities.

QUOTA FOR SCs/ STs IN MBBS, BDS

- Introduced on 25th February 2008 by the Central Govt.
- Implementation of 15% reservation for SCs and 7.5% for STs undergraduate medical and dental entrance exams conducted by the CBSE.

EMERGENCE OF DALITS

- Bangaru Laxman, a Dalit politician, was a prominent member of the Hindutva movement.
- In 1997, K. R. Narayanan became the first Dalit President.
- In 2008, Mayawati, a Dalit from the Bahujan Samaj Party, was elected as the Chief Minister of India's biggest state Uttar Pradesh.
- Ex-CJI Balakrishnan

DURBAN CONFERENCE

The UN Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance held in Durban, South Africa, in September 2001 equated "racism" with "casteism"; although this parallel has been systematically criticized, the word "dalit" has been interpreted by some activists as equivalent to "Black."
RECENT ATROCITIES AGAINST DALITS

- Phulan devi
- Mirchpur Atrocity

Mirchpur Dalit Atrocity: India Burns on Caste pyre
03May10

- Two persons from Dalit (Valmiki) community killed by JAT community (Upper caste Hindu) in Haryana. Out of them, one was a disabled girl, her name is Suman (18) and another the father, Tara Chand (70).

Two Missing: Caste Hindus attack in Satara

- Mr. Dayandev Tupe (42) and his wife Nanadabai Tupe (38) The resident of Vadzal, Tahesil – Man, District Satara belonging from (Matang) community brutally attacked by Caste-Hindus, both are found missing.

India’s water polluted by caste; Caste Virus

- Upper caste people of an Orissa village slapped a fine of Rs 1,001 on a dalit woman soon after she fetched water from a community tubewell on Saturday. A case was registered only after a group of dalit women gheraoed Chandabali police station in Bhadrak district demanding justice. A probe was also ordered.
These books are kept in the Libraries of different schools and colleges for awareness of students as well as the teaching and ministerial staff. Some books are even kept in the UN-Congress Library at New Delhi.

Teachers of various school are interacting with the students on these issues in zero hours.

About legal aid committees, NGO’s / Educational Institutions above 55, and some Newspapers have re-printed/Published these booklets as intimated and about 80,000 booklets titled on women, child rights, dalits, arrest, human rights and HIV have been published and distributed free of cost among the general public to create awareness.

For the awareness of the human rights in public at large, Justice Jain has wrote about 31 booklets of various legal issues. Out of these booklets 18 booklets have been published by the R.S.H.R.C. Many other organizations, District Legal Aid Authorities, Departments, Schools, Colleges etc. has also published some booklets like Women, Children, Dalits, Arrest, HIV/AIDS, Human Rights etc. by the permission of the Commission. They have distributed these booklets in 80000 in numbers.

Some of these booklets are available on Commission’s website www.rshrc.nic.in and justicenagendrakjain.com. English translation of Some booklets are also available on a German website herenow4u.de.

These books are:

31 booklet have been written by Justice Nagendra Jain (Chairperson RSHRC, Jaipur) on different legal and important issues.

Legal Awareness Programmes

- Legal Awareness
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Reciting the Pledge — fundamental duties mentioned in Article 51-A, Constitution of India

"We are proud to be Indian"

It shall be the duty of every citizen of India:

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(b) to cherish and follow the noble ideals, which inspired our national struggle for freedom;
(c) to uphold and protect the sovereignty, unity and integrity of India;
(d) to defend the country and render national service when called upon to do so;
(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities, to renounce practices derogatory to the dignity of women;
(f) to value and preserve the rich heritage of our composite culture;
(g) to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures;
(h) to develop the Scientific temper, humanism and the spirit of inquiry and reform;
(i) to safeguard public property and to abjure violence;
(j) to work towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.
Students reciting the oath of section 51(A) of Constitution of India under the guidelines of RSHRC.

In addition to that in legal literacy and awareness program, chairman motivated students and even general public to recite the pledge as mentioned in article 51(A) of Constitution of India. It is good sign that so many schools have started taking prayer as per instructions of different concerned authorities as per the request of the commission. Some of them are as follows:-
Students of some institutions reciting the Oath as per Article 51(A) of Constitution of India under the guidelines of RSHRC.

Rajasthan State Human Rights Commission

“BEWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION”
Chairperson: Justice N.K. Jain

“The destiny of human rights is in the hands of all our citizens in all our communities.”
Eleanor Roosevelt
ACKNOWLEDGEMENT

I Prigya Gupta would like to acknowledge Mr. N.K. Jain, Chairman Human rights commission, Rajasthan under whose able guidance I have been able to accomplish my project on the topic “Dalit’s Rights”. I would like to thank him for sparing his valuable time.

All Projects

BIBLIOGRAPHY...

http://justicenagendrakjain.com
www.autherstream.com
www.nhrc.nic.in
www.rshrc.nic.in

- I have prepared the respective project during my internship under Rajasthan State Human Rights commission, Jaipur.
- Project has been prepared as per the material from different booklet of the commission and the material obtain from different other sources.
- The same can be exhibited in School/Colleges/University and other places under legal literacy and awareness programme to the general public to know about human rights, as per direction of the chairperson of the commission.

Prigya Gupta