

The Caste Discrimination behind Atrocities against Dalits and Tribes and Importance of Atrocity Act.

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Abstract : India is Caste based society in which the status of the caste of humankind defines his place in society. Caste is linked to the notion social hierarchy that contributed in the atrocities against the former untouchable castes, Nav-Boudhha, tribes by the Sanatani (backward) mentality. Many Dalit castes with the in the leadership of Dr. Babasaheb Ambedkar have excelled in educational, political and economic sectors. However, the upliftment from the previous state has created hatred through which upper castes are spreading violence against Dalits and tribes. Although the central government has made the Atrocity Act, it has failed to stop such instances of violence.

Key words : Origin of castes, exploitation of Dalits, social perspective, violence against tribal community members, Dalit atrocities in Maharashtra - Khairlanji homicide, Kharda homicide, Sonai homicide, Atrocity Act, opposition and importance.

1. INTRODUCTION :

Caste discrimination is one of the major social problems in India. India still is a caste-based society in which status of a person is defined in terms of the social status of the caste he is born. However, our democracy believes in equality among citizens irrespective of the variations in caste, religion, gender, and region, there happen instances that exemplify the dark side of the Indian society. Caste based violence, a threat to the democratic structure of the nation that in spite of the laws is haunting the social harmony across the country. Even though Maharashtra is considered a progressive state built up on, the teachings of great social revolutionaries like Phule – Shahu - Ambedkar, there have been several shameful incidents connected to caste violence happened in last ten years. The present research paper has attempted to take a review of these incidents to show the Casteist mentality of the people of a progressive state.

2. EXPLANATION :

The atrocities against the Dalit and the tribal communities have not just been the matters related to criminal law but also the evidence of deeply rooted Casteist and hierarchical psyche. The implicit objective behind such crimes is to keep the lower castes and communities slave to the upper castes and should not succeed in making progress. Such mentality has been revealed in the crimes of violence against Dalits and tribal communities. Although the persons, nature crimes and places vary but the deeply rooted and a long time Casteist hatred reflects in the inhuman acts.

3. THE ORIGIN OF CASTES :

In ancient Vedic system, theory of origin of castes system has been seen in connection with the Varna system in which castes have been explained in terms of the inherent qualities. The castes have been described as inherent as they are acquired by birth. According Pt. Nehru, caste system was the outcome of the social organization of various races.¹

The important fact is that the castes and communities had leaded a humiliated and ignored life due to their opposition to the Vedic culture. Untouchability originated from the caste system. According to Mr. Prabodhankar Thakre, Shankaracharya created the untouchability.² Today all these Dalit and tribal communities are being exploited from the same Hindutva philosophy.

4. EXPLOITATION OF DALIT CASTES :

The Dalit communities began to form the society based on equality through the theoretical movement against the caste discrimination in Maharashtra. There are two main periods of the Dalit movement; pre-Vedic Ambedkar and Ambedkar. In pre-Ambedkar era, Mahatma Jyotiba Phule, Chatrapati Shahu Maharaj, Gopalbuwa Valangkar, Kalicharan Nanda and during Ambedkar era, Shivram Janba Kamble, Dadasaheb Gaikwad, and Periyar Ramaswami, worked for Dalit identity and all round development.

5. CONVERSION OF DALITS AND SOCIAL PERSPECTIVES :

Dr. Babasaheb Ambedkar gave voice to the pains of Dalits on international platform. Having disillusioned with the attitude of high caste Savarna people during the Kalaram Mandir Pravesh Satyagraha during 1930-1935, Dr. Babasaheb Ambedkar made an announcement at Yewala Parishad, Nashik, "I was born as Hindu but will not die as Hindu," through which he declared his wish for conversion. He underlined the importance of conversion in the Akhil Mumbai Ilakha Mahar Parishad at Naygao through his speech: Mukti Kon Pathe ?³

Later on 14 October 1956, along with lacs of disciples converted to scientific and champion of equality; the Boudhha dhamma. Even though the conversion to Buddhism brought positive results in the lives but it could not change the sense of disregard from the side of upper castes. On the contrary, the consistent growth in the economic status of Dalits created a sense of negativity and hatred, which culminated in the atrocities against Dalits.

6. SOCIAL EXPLOITATION OF THE TRIBAL COMMUNITIES :

The Indian Constitution has described the tribal communities as the Schedule Tribes. According to the article 342 (1), the communities that have included in schedule tribes are known as Schedule Tribes.⁴

There are historical instances of atrocities against tribal communities and they still are facing the problems. Through the occupational exploitation of the tribes in Thane, many tribesmen have displaced from their native place. Godavaritai Parulekar has narrated the exploitation of Warli tribes in his 'Jewha Manus Jaga Hoto' in which there was a sense of Casteist discrimination in the exploitation.⁵

The Naxalite movement in the districts of Gadchiroli, Bhandara, Chandrapur and eastern part of Nanded district is the response to the atrocities of Savarna castes. The genocides of tribal community members are the outcome of Casteist hatred.

7. CASTEIST ATROCITIES IN MAHARASHTRA :

Maharashtra is considered the state having moral teachings of Phule – Shahu - Ambedkar though the caste based crime rate is highest in Maharashtra. The heinous incidents are Khairlanji, Kharda and Sonai homicides.

7.1 Khairlanji Dalit Massacre :

On 29 September 2006, a shameful incident to humanity occurred in the village of Khairlanji of Mohadi tehsil of Bhandara district. The members of Kunabi community of the entire village harassed the family members of Bhotmange Dalit community. The victims; Surekha (38), Priyanka (18), were paraded naked, and then were gang-raped and murdered brutally. The group also murdered Sudhir (22) and blind Roshan (18). All of them were beaten with bicycle chain and sticks due to which they were killed. The naked bodies were carried in a bullock cart and thrown in the canal, four kilometres away from village. It was said that the conflict between Bhotmange family and the upper caste villagers raised due to the issue of road from the land of Bhotmange family.

The mainstream media did not take any notice of this incident until people reacted to these brutal killings. On 19 December 2006, almost 4000 protesters gathered on Azad Maidan for agitation. In the same month, a charge sheet naming 11 accused in the court.⁶

On 15 December 2008, the atirikt satra judge justice S. S. Das found 08 accused; Gopal Sakaru Bijewar, Sakaru Bijewar, Shatrughna Dhande, Vishwanath Dhande, Prabhakar Mandalekar, Jagdish Mandalekar, Ramu Dhande, and Shishupal Dance guilty of the crime.⁷

Special government pleader, Adv. Ujwal Nikam fought the case on the side of prosecutor and Adv. Sudip Jaiswal and Adv. Niraj Khendwale on the side of accused. This case showed the Casteist and discriminatory Indian face to the world. This incident created outrage in the legislative assembly, and at international forum.

Although, the castes of the accused were evident, the accused were acquitted from the Atrocity Act. CBI judge Ajaz Khan referred this acquittal as the judicial error and requested High Court to punish accused under the Atrocity Act.⁸

It was a waiting of 11 years for Bhaiyyalal Bhotmange whose life totally collapsed, on 20 January 2017, he died, and justice was denied.

7.2 Kharda Dalit Homicide :

In the Kharda village of the Jamkhed tehsil of Ahmednagar district, Teenager Nitin Aage (17) a Dalit boy was beaten in front of the entire village in his school by Golekar family due to doubt of having love affair with the girl from upper caste family. He was carried to a nearby brick factory and was given burns of hot iron rods. He was dragged to the hill of Kanhoba and brutally killed by hammer. The annoying fact of the case was that the girl had one-sided love for Nitin about which she had already informed her mother.⁹

7.3 Sonai Dalit Homicide :

In Sonai village of Newase tehsil of Ahmednagar district, there took place the triple murders of Sandip Dhanwar (24), Rahul Kandari (24) and Sachin Daru (23). The dead bodies of Dhanwar and Kandari were buried in a

dry well and Gharu's head and limbs were cut off and thrown in gutter. In connection with this crime, police arrested Prakash Darandale, Ramesh Darandale, Vishwanath Darandale, Popat Darandale, Ganesh Darandale, Ashok Falke, Ashok Navgire and Sandip Kurhe. Due to political interference, the role of police remained suspicious.¹⁰

8. ATROCITY ACT AND ITS FEATURES :

For the prevention of the inhuman atrocities against the schedule tribes and scheduled castes, the Atrocity Law was passed. Following major clauses were included in the Atrocity Act

1. To compel the individual of Schedule Tribes or Schedule Caste to eat inappropriate substances.
2. To humiliate, bother or to provide injury through Casteist mentality.
3. To disgrace humanness.
4. To exploit land of SC STs.
5. To compel for bonded labour.
6. To compel forced voting.
7. To file false cases against SC STs.
8. To humiliate them on public place.
9. To restrict the entry at river, public well or a common water supply.
10. To put the houses on flame.
11. To harass women sexually.¹¹

The main responsibility of observing the Atrocity Act is of State Government and police. A vigilance committee has to be formed presided by Chief Minister and it is mandatory to take reports by the central government. In addition to that, running special courts, appointing special government pleader, and charging common fine are rights of the state government. The interim bell is denied in such types of crimes.

9. THE IMPORTANCE OF ATROCITY ACT :

In India Casteist hatred is very sever and has a historical background. Although the Article 17 has abolished the untouchability by law, it still atrocities are prevalent on the SC, STs. To prevent the brutal crimes against the SC and STs, the Atrocity Act was form in 1989, which has failed to serve its purpose. Due to which, amendments were made in the law in 01 January 2016. Atrocity Act has been under harsh criticism under the false accusations of its misuse. To weaken the protection by law to Sc and ST, the need for revision of the Atrocity Act was a main demand of upper case he upper caste rallies. It is important to understand that the law is not against any particular caste or class but against the unjustified exploitation of thousands of years. It is against the social, cultural, political discrimination and the inhumanity towards the weaker sections of society. The law is for self-defence against the Casteist and discriminatory exploitation of SCs and STs.

Today the atrocities against the SCs and STs are being ignored. Without analyzing the need of the law, it is opposed form the Casteist mentality. The antagonism of the upper castes to the law shows their hatred of the progress of SC's and ST's.

10. CONCLUSION :

Maharashtra has the heritage of progressive thought. However, the consistency of violent acts and hideous nature of the atrocities prove it wrong. The incident happened in Khairlanji shaked many sensitive hearts across globe. Of Bhaiyyalal Bhotmange have not survived the crime would not even have disclosed. There are thousands of incidents are happening that remain hidden and no justice is provided to the victims.

Sonai, Kharda, Khairlanji homicides showed the inhumanity that rejected the right of humanness of SC, ST community members. It is a shameful thing for Indian society that they had to make laws like Atrocity Act. It is the duty of every citizen and the judiciary to preserve the laws of SCs and STs. The Atrocity Act is very essential for the society based on the values of fraternity, equality and humanity.

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