

Human Rights and Dalits: Different Strands in the Discourse

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Human Rights are the natural/fundamental rights that every person enjoys by virtue of a person being a human being. Human Rights are essential for the required development of personality and for a happy and peaceful living for any human being. The objective of the universal system of human rights is to remove inequalities and restore dignity for every human being in all civilized societies. Nachiketa Singh while elucidating various meanings of Human Rights quotes Scott Davidson. Singh states, “ According to Scott Davidson, the concept of human rights is closely connected with the protection of individuals from the exercise of state, government or authority in certain areas of their lives; it is also directed towards the creation of social conditions by the state in which individuals are to develop their fullest potential”(44). The social structure has not been much modified by the marginal changes in Dalit’s condition; Indian society, always belonging to Brahmins, still retains the form they have given it.

The constitution of India in its preamble ensures justice, liberty, equality and fraternity to all its citizens. Every democratic country and civilized society recognizes and guarantees the value of dignity and equality to all its members. Unfortunately, in India “However, human life and human dignity have been disregarded today. Discrimination continues to exist due to ignorance, prejudice and fallacious doctrines which try to justify inequalities” (Biswal 61). For centuries in India, social gradation based on castes is a permanent uncrossable set up. Ironically, the Hindu religion has sanctioned some castes the “natural superiority”. The human rights which are the natural /fundamental rights to every human being are denied to Dalits. This has compelled the oppressed castes to fight for their rights and their right place in the society. The knowledge of their oppression and the conspiracy of their “lower place” in the gradation have come to Dalits through the education system introduced by the British during their rule. The education has certainly proved as a weapon to fight for justice—social, economic and political. Not only the western education but also Christian religion supplied with elements of enlightenment and advancement.

Dalit, according to the seventh edition of Oxford Advanced Learners Dictionary “ (in the traditional Indian caste system) a member of the caste that is considered the lowest and that has the fewest advantages”. Dalit is a new term that has been used for Scheduled Castes in India. The Scheduled Castes (untouchable castes) adopted the nomenclature Dalit as a symbol that denotes revolution and change. Dalits believe in humanism. But the Fundamental Hindu social system has determined to destroy Dalit as a human being. William Sweet in his article entitled “ Proving Human Rights” presented at the International Conference on Human Rights at Dominican University college, Ottawa (December 4-6 2008) stated that “have maintained that human rights reflect or depend on something about the nature of human beings though, interestingly, such rights may - in fact, do – depend for their recognition and respect on rules and practices that exist at the local level(301).

Dr.K. Ramaswamy, Justice, Supreme Court of India (Retired) and a Former Member of National Human Rights Commission of India in his foreword to **Dalit Human Rights Monitor 2000-2003 Andhra Pradesh**, stated that “Caste and decent based discrimination is most degrading human rights violation, prohibited by the constitution of India as well as articles 1 to 5 of the Universal Declaration of Human Rights (UDHR), the International Convention of Civil and Political Rights (ICCPR); International Convention on Elimination of all forms of Racial Discrimination (CERD) and Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Though the Government of India had not agreed but the NHRC (National Human Rights Commission) of India has stated in Durban (South Africa) conference held at September and October 2001 that caste and descent based discrimination require elimination in its all forms as racial discrimination and xenophobia”. In the every day process of Indian society caste oppression violates Dalit Human Rights in the form of segregation, denial access to education, land and water, denial of the right to dignity and immeasurable suppressions and degradations. “Violations of Dalit Human Rights are not only, however, a matter of pervasive, grinding societal oppression. They are also acts of savage violence and unspeakable brutality, inflicted in such a frequent and wide spread manner across the country that the term “atrocities” has become parlance” (**Dalit Human Rights Monitor:1**)

Irrespective of the Fundamental Rights guaranteed by the Indian Constitution and the Universal Declaration of Human Rights by UN General Assembly it is a every day process of the ritualistic massacre of Dalits even in this electronic age. Despite the fact that “untouchability” was abolished under the Constitution of India in 1950 the practice of untouchability is still in vogue. A majority of Dalits continue to live in extreme

poverty, without land or education or employment. Acclaimed as a 'libertarian', Herbert Spencer in his *Social Statics* (1851) argues that when rights are subjected to some limits then only they have moral weight and in any context individuals have to limit their activities so as to allow an equal freedom for others. Hence Dalits can enjoy equal freedom, when non-Dalits limit/curtail their activities.

On 10th December, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. The Declaration has 30 articles. Articles 1 and 2 state that all human beings are born equal in dignity and rights; articles 3 to 21 explain the Civil and Political Rights entitled by all human beings with out any discrimination. The Preamble of the Universal Declaration of Human Rights begins with "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, ..."

And Article 2 of the Declaration states: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty".

The Indian Constitution ensures both democracy and republic—that has not been realized by Dalits of this country so far. According to NCDHR (National Campaign on Dalit Human Rights (<http://www.ncdhr.org.in/ncdhr/>)) in every single day in India 27 atrocities are committed against Dalits, 2 Dalits are physically assaulted. A crime against a Dalit is committed in every 18 minutes. Dalits occupy one-sixth of India's population. Dalits are discriminated against, denied access to land and basic resources, forced to work in degrading conditions, and routinely abused at the hands of police and dominant caste groups that enjoy the state's protection.

Without social democracy advancement and progress are impossible in India. Even if a country reaches the height of excellence in philosophical thought, literature, arts and science yet faces the civil wars and social disorder if there is no social democracy. Otherwise the inequality that results from social discriminations, be it based on race, religion, language, caste or sub-religions, build up a static electricity as in the clouds in the sky and at an unexpected moment result in thunders and lightning and have devastating effect. Such revolutions bursting the seams create an instability and intervening region of terror which is very injurious to the establishment of a welfare state where all people attain satisfaction and wealth.

While speaking on "A Totalitarian Society" T.K.Oommen, Professor of Jawaharlal Nehru University, New Delhi analyses: "Although some would argue that there is no organic relationship between Hinduism and the caste system, in reality they are inextricably inter-twined. All available evidence suggests that caste system is antithetical to the ethos of democracy" (4). Sectional interests are realistic and therefore cannot be condemned, if they are not damaging or destructive to the interests of the entire society. The capitalistic interests cannot be allowed to contradict or cancel out the labour interests of the poor. This balancing is the centre of all modern social philosophy.

Dr. Ambedkar (on 17th Dec 1946) in the Constituent Assembly remarked that the state has "to make economic, social and political justice a reality" and further added that "there may be social and economic justice in the country, that there would be nationalization of industry and nationalization of land... (Vol, I,100).

He further argued that unless a country's economy is a socialistic economy, no government can do justice socially, economically and politically. A majority of the countries in Asia could not achieve social justice and without it the other two i.e. economic and political justice have no meaning. Hence the countries are facing terrorism either within the country or outside the country.

Ambedkar prophesied that if social democracy is not established there may be a danger for the nation's political democracy. In the Constituent Assembly Debates on 25th November 1949, he visualized thus: On 26th January 1950, India will be an independent country (cheers) what would happen to her independence? Will she maintain her independence or will she lose it again? (Official report Vol X 977) he further gives the reasons that may become a threat to the country's stability. He said on the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life, we shall by reason of our social and economic structure, continue to deny the principle of one man one value. (Vol, I: 979).

That is why Ambedkar has argued for making a political democracy a social democracy as well. Being an intellectual he has always pointed out on the paradox in Indian democracy; he repeatedly spoke on inequality as a great threat to the concept of democracy. If social justice has not come into force even the sovereignty of the democratic nation will be destabilized

When the authority of law is derived from the will of the people then only the sovereign state is essentially democratic. This type of sovereign states is accepted by political thinkers like – Locke, Rousseau and Kant. If people are divided on the basis of caste, race, sex, religion and region then that democracy will not be by the people, for the people and of the people. Such democracy will face anarchy and chaos and never

guarantee for advancement and progress of the nation. The prolonged social disorder, civil and inner conflicts will lead to disintegration of any nation.

Robert Nozick focused on distributive justice in his book, **Anarchy, State and Utopia**. Good in society ought to be distributed equally unless there is some imperative necessity to depart from strict equality. If one wants facts one should look; if on the other hand one wants values one has to choose. Goods are not to be understood simply as articles or things. Even jobs and positions of power have to be distributed equally among people. Only then any nation can achieve social justice and thereby preserve the dignity and self respect of its citizens. Power sharing, sharing of opportunities, sharing of wealth and sharing of the necessities of life all these have to be done as per justice.

Tsunduru/Chunduru : A Case Study

The brutal carnage took place in Tsunduru/Chunduru of Guntur district of Andhra Pradesh on the sixth of August 1991. The violent murders were reported and propagated throughout the country by **Andhra Pradesh Dalit Maha Sabha**. The proud dominant castes of Tsunduru /Chunduru massacred the Dalits with axes, sickles and swords in the broad daylight chasing them, while Dalits running for their lives. The Reddys (one of the dominant castes) wanted to suppress and control the Dalits (Malas) of Tsunduru/ Chunduru. The refusal resulted in massacre of Malas.

The brutal murders of Dalits in Tsunduru/ Chunduru is the first of its kind in Andhra Pradesh where eight Dalits were massacred and the corpses were packed in the gunny bags. Those eight victims were Jaladi Immanuel, Jaladi Mathaiah, Mallela Subba Rao, Devarapalli Jaya Raju, Jaladi Issaku, Sankuru Samson, Angalakuduru Rajamohan and Manduru Ramesh. A few days before the black day, the tension was developed in Tsunduru/ Chunduru between Dalit youth and the farmers. A particular incident in the cinema theatre has become the point for the eruption of the volcano. In the theatre a Dalit youth's foot touched the foot of a Reddy youth. It added fuel to the fire. Already police visited the village as there have been cases in the court against each group accusing the other. The best example to show how brutal the carnage was that of, the physician Dr. Ravi Chander, after conducting the postmortem committed suicide as he could not bear the sight of the corpses. The Dalits all over the state gathered under the leadership of Katti Padma Rao, the Chief Secretary of **The Andhra Pradesh Dalit Mahasabha**. They refused to meet the then Chief Minister Dr.N.T.Rama Rao who has come to console the victims. **The Andhra Pradesh Dalit Mahasabha** further strengthened the struggle by giving the slogan "Not welfare but self-respect".

It took two days for the massacre to come to limelight. On the second day i.e. 8th August 1991 the corpses were found in the Tungabhadra drainage, in a jasmine garden, in the New Canal near Modukuru, in Branch Canal 1 and in Aremanda Canal. Some of these corpses were packed in gunny bags and a corpse was found without eyes. A total of twelve cases were filed. Among the eight murdered people seven of them were Malas and Angala Kuduru Raja Mohan Gandhi alone was a Madiga. Out of the five injured Tanachintala Adam alone was Madiga and all the remaining four belong to Mala caste. In this case the charge sheet was filed against 219 people from four villages and the villages are Tsunduru/Chunduru, Munnagivaripalem, Modukuru and Valiveru. The gathering of the people from four villages is a clear evidence that the violent action is pre-planned. Out of the 219 accused there were only two Backward Caste persons and all the remaining were Reddys and Telagas. On 10th August 1991 all those dead bodies were burned in the centre of the village and named the site **Rakta Kshetram** (The land of blood). The victims of Tsunduru/ Chundur set a historical demand to the government that a special court has to be brought to the doorsteps of the victims for the hearing of the case and the Government agreed.

The Andhra Pradesh Dalit Mahasabha conducted a rally from Mangala Mandiram of Guntur to Ambedkar Bhavan in New Delhi with the demands that (1) The criminals must be punished (2) The economic support and protection for the witness must be provided. On the 3rd October 1991 the rally met the Prime Minister and demanded for a special court at the place of crime and rehabilitation for the victims. It took almost a year to complete the rehabilitation work. Though the special court was appointed at the earliest possible, there were so many obstacles and hurdles for the enquiry. Finally on 1st December 2004 the enquiry started in Tsunduru/Chunduru in the special court established under Prevention of Atrocities on SCs and STs. It took almost twenty seven months to complete the enquiry.

In this case the charge sheet was filed against 219 and before the hearing of case started 33 of them died and the remaining 179 faced the enquiry. On the 31st (Tuesday) July 2007 the court assembled at 10.30 am in Tsunduru/ Chunduru. Twenty one persons were sentenced to life imprisonment under section 302 of the IPC and thirty five others were sentenced for one year's rigorous imprisonment along with a penalty of Rs.2000/- each. Delivering the judgment seven days short of 17th anniversary of the gruesome attack on Dalits of Malapalli here, special judge Anis of Special Court under the SC/ST's prevention of (Atrocities) Act 1989, felt that it was not the rarest of the rare cases, which attracted a death penalty. In the country's first-ever special court set up for trying a case under the Act at the scene of offence, the judge acquitted 123 out of the 179 accused persons.

In the case of 41 accused persons, the court did not find any evidence, while 62 of them were released on benefit of doubt. The other 20 were let off due to omission of evidence or having only single witnesses.

Found guilty

Of the 56 convicted, 21 were found guilty of charges under section 302 of the **IPC**. (**The Hindu** 1-08-2007 p.1)

The Dalit Organizations in various districts of the state partially celebrated the victory and they expressed dissatisfaction at the Judgment. Gollapalli Surya Rao, the Minister for Small Scale Industries in the Government led by Chief Minister Dr.Y.S.Rajasekhara Reddy declared that the unity of Dalits is the cause for the victory of the victims of Tsundur/Chundur. It took almost seventeen years for the award of the punishment after the heinous crime was committed at Tsundur/Chundur. Before the pronouncement of the Judgment the special prosecutor B.Chandra Sekhar argued that this case is the rarest of the rare and hence the criminals had to be sentenced to death as per section 302. He also supported his argument by quoting Bachan Singh Case (1981) of the Supreme Court. But the defense lawyers Kaaiti Syda Reddy, S.Brahmananda Reddy, Garikapati Krishna Rao and K.V.Sharma stated that the Dalits and the farmers are now living peacefully and more- over the government paid compensation by giving them houses, land and employment. Hence they argued against the death sentence for the convicted. According to Ramesh Susarla and P.Samuel Jonathan:

The prosecution is recommending to the State Government to go in for an appeal in the High Court against the judgment in the Tsundur case. Special Public Prosecutor B.Chandrasekhar and Assistant Public Prosecutor G.S.Nageswara Rao, who were appointed by State Government exclusively for this case, said the court had failed to see a conspiracy angle and common motive of killing Dalits and hence the sentence was “not satisfactory” to them.

“It was for the final judgment that Mandu Tulasamma, a widow at Ambedkar Colony here, has been waiting with bated breath. Ever since she lost her two sons in the brutal carnage against Dalits unleashed by persons belonging to upper castes on August 6, 1991 in the village, she has been waiting for justice to be meted out to her. And when Special Judge Anis pronounced the verdict, Tulasamma broke down. Quickly gaining her composure, she angrily said: “I was denied justice, as the guilty have been let off. The perpetrators of the heinous crime would still roam freely in the village”. Recalling the events on the fateful day, she said: “There was no trace of my younger son the whole day. The next day, someone said that they had seen his body in a canal. My elder son Narayana broke down on hearing the news and he died of heart attack”. Kula Nirmoolana Porata Samithi district secretary K.Krishna said at least 100 of the accused were let off and his organisation would appeal in the High Court seeking **justice**”. (**The Hindu** 1-08-2007,p.12)

It is strange to note that Katti Padma Rao, the founder member of **Dalit Mahasabha** agreed with the life imprisonment instead of capital punishment. After receiving the honorary Doctorate from Acharya Nagarjuna University he spoke on the judgement of Tsundur/ Chundur case in the press conference in Guntur on Saturday the fourth of August 2007. He said that the **Andhra Pradesh Dalit Mahasabha** opposes the death sentence. He argued:

“We want equality in society for Dalits and upper castes, but do not believe in getting capital punishment. If any individual lawyer expresses his wish as part of his ‘professional brief’ it has nothing to do with the Dalit movement at large,” he clarified.

“Judgment was on expected lines and now that land has been given to the victims’ kin and some revenue earning means shown to them, they have come on an equal plane with Reddys and Telagas so they co-exist with dignity and conditions of those days do not exist there any more,” he told reporters. (**The Hindu** 5-8-2007 p. 4)

Dalit rights are Human Rights. Today the human, humanism, and the human rights as secular values have gained currency as legal entities. Dr.Ambedkar reestablishes that to destroy the caste divisions in India, a new human values purged of theology has got to be re-injected into our secular vision. Dalits wish to roll back the wheel of history and prove themselves as natives in their land. Dalits in India failed in the radical movements as the Naxalite/ Maoist movements were movements dominated by dominant castes in the interests of the workers. Now Dalits are forming their groups and fighting for their rights. The Dalit Movement is the self-conscious, independent movement in the interests of Dalits., the lowest stratum of Indian society. Unless the Dalit struggles are made as national struggles, the expected result will not be achieved. Dalits continue to struggle to overcome the effects of decades of social and economic exploitation, discrimination and violence against them.

Dalit leaders are giving a call for revolution to get their rights. Dalits demand their share in all systems of the country, whether it is social, economic or political. Dalits have lost their dignity, life and livelihood in the caste system — and all Dalit movements should strive to regain the lost human personality by working strongly to eliminate this obnoxious system.

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