

Atrocities on Dalits

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M Venkatrayappa, a dalit from Kambalapalli. Kolar district, Karnataka still remembers the last glimpses of his wife Ramakka, sons Sriramappa and Anjaneya and daughter Papammas. It has been more than six years that they died a very tragic death. All of them with four others from their hamlet were burnt alive by the local Reddys. The police termed it revenge killing, supposedly in retaliation against the killing of Krishnappa Reddy, a village functionary belonging to upper castes.

Kambalapalli massacre in March 2000, had made national headlines. The tremendous public uproar compelled the then Congress government not only to apprehend the culprits but also shift the dalits to a new village which is situated around 40 km from Kambalapalli.

Today all that is passe. The first week of December '06 when the whole nation was debating the growing surge in atrocities against dalits came the damning verdict in this particular case. All the accused were acquitted. In legalese they call it the case getting settled as all 'witnesses turned hostile' during the court hearings.

One can just imagine why all the forty witnesses including Venkat-rayappa preferred to turn hostile rather than speak the truth to render justice for their near and dear ones. Although nobody is ready to share it but one can sense the sense of fear which still pervades 'new Kambala-palli' as the new settlement is called. Gangulappa, a witness wryly admits he changed his version in court to save his children.

It was the same time when preparations were on for the inter state council meet called by the PM to deliberate on the specific issue of dalit rage. If the killings in Khairlanji and the militant movement of dalits in its aftermath formed backdrop of this meet, the verdict in Kambalapalli massacre also added its own melancholy to it.

Anyone who knows how polity functions can very well tell you the real essence of such meets which are basically organised to exhibit the concern of the powers that be towards the weaker sections and which end up in adding another bundle of empty promises centering around their betterment. Of course this particular meet did not come out any different.

In the particular meet the Prime Minister admitted that continuing of atrocities against weaker sections is a 'national disgrace in a civilised society'. (*The Hindu*, 10th December 2006) He also lamented the fact that 'implementation of SC and ST (Prevention of Atrocities) Act has not been effective' and 'cases continue to be registered under weaker sections of IPC'. While calling for 'comprehensive review of the existing approaches, strategies and measures' he also reiterated the 'need to show political will' and also exhorted people because 'laws alone were not sufficient in dealing with social violence'. Mr Shivraj Patil, the present home minister, while addressing the meet also talked of tightening the police machinery as it is found to be wanting in reining in perpetrators of dalit atrocities.

It was worth noting that the speeches of the Prime Minister and the home minister did not prove to be different from similar speeches made earlier. A convention held last year under the aegis of the social justice minister (Jan 2005) Meira Kumar which was duly attended by the home minister had brought home this point with emphasis. According to a newspaper report:

“Social justice minister Meira Kumar pointed out that the conviction rate in cases registered under the Protection of Civil Rights Act is a mere 3.75 percent. Besides, 75 to 77 percent cases of crimes against Dalits remain pending despite the existence of special and designated courts. Union home minister Shivraj Patil, who was also present at the conference, acknowledged that the system was not delivering justice and existing laws safeguarding the rights of backward classes may have to be changed or tightened.” (January 12, 2005, *The Telegraph*)

Of course verdict in the Kambalapalli case is hardly surprising. The nearly sixty-year-old history of independent India bears witness to this phenomenon where perpetrators of crimes against dalits in majority of the cases were allowed to go scot free. The mechanism for denial of justice to dalits has rather been perfected down the years. Normally such cases are either not registered and if at all they get registered they are not filed under appropriate provisions of the law. Registration of cases under proper law is no guarantee that they would be investigated by designataed authority in such cases. The result is for everyone to see—acquittal on flimsy grounds.

A conclusion of a detailed and systematic study of 400 judgements passed by different district courts of Gujarat done by Vajibhai Patel, Secretary of Council for Social Justice corroborates this. It states that utterly negligent police investigation at both the higher and lower levels coupled with a distinctly hostile role played by the public prosecutors is the main reason for the collapse of cases filed under the atrocities act. It is worth noting that he has meticulously documented these judgements delivered under this act since April 1, 1995 in the Special Atrocity Courts set up in 16 districts of the state. The study also blasts the common perception that the inefficacy of this law is due to false complaints being lodged or compromises between the parties, in actuality it is a complicit State that has rendered the Act toothless. (‘Communalism Combat’ March 2005)

It is possible that all the details where the state with its different organs comes out in rather unflattering terms could be brushed aside as a story repeated ad nauseam. All the talk of dalit atrocities could be presented as another extension of the way in which ‘state in the third world’ unfolds itself. But the key point worth emphasising is that caste atrocities much like gender oppression or racial atrocities have a specificity which transcends the binary of ‘state as perpetrator’ and “people as victims’. In fact they implicate the partisan role played by the people themselves.

The ‘Report on Prevention of Atrocities against SCs ‘ prepared by NHRC (2004) presents details of the way in which the civil society presents itself. Here civil society itself becomes a distinct beneficiary of caste based order and helps perpetuate the existing unequal social reactions and frustrates attempts to democratise the society because through the customary arrangements the dominant classes are assured of social control over people who can continue to abide by their commands without any protest.

Of course the uncivil nature of the civil society presents before the people a unique challenge where the need then becomes to rise above a mere discourse on civil and constitutional rights and address the failure of the largest democracy of the world to go beyond mere form.

Everyone has to see that under the purity and pollution based paradigm which is the cornerstone of Indian caste system, inequality receives not only legitimisation as well as sanctification. As inequality is accepted both in theory and practice, a legal constitution has no bearing on the ethical foundation of caste-based societies. ~~///~~