

RAJYA SABHA

***SUPPLEMENT**

TO

SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

Thursday, July 21, 2016/ Ashadha 30, 1938 (Saka)

SHORT DURATION DISCUSSION

**Recent Incidents of Atrocities on Dalits in Various Parts of the
Country - *Contd.***

SHRI D. RAJA: *Dalits* don't need anyone's sympathy or pity they just want to be treated as human beings. The government must stop the ongoing lynching of *Dalits* in the country. We are regularly witnessing cases of atrocities on *Dalits*. The Government has not ordered the closing down of tanneries in the country then how can skinning of cow becomes a crime. The government should listen to the anguish of the *Dalits* in the country. It is very shocking that there are attempts to subvert the Constitution. The 'fraternity' can be guaranteed only when there is liberty and equality. The *Dalits* have not the liberty to enter into temples, walk on any street etc. I fail to understand why our own fellow human beings, even educated *Dalits* also, subjected to such unimaginable crimes and atrocities. Establishing equality is an imperative for the survival of the spirit of our Constitution. There should be a Scheduled Caste sub-plan. The Government will have to act for economic, social and political empowerment of *Dalits*. The issue is whether government will act against those who commit these heinous crimes as they are considered to be close to power?

*This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.

SHRI P.L. PUNIA: It is a matter of concern for all of us that incidents of atrocities on *Dalits* are unabated in the country. Keeping in view the social order of this country many provisions, like banning untouchability, removing inequality etc. have been made in the constitution. They again did the same act and she was again raped. It is shameful that even after lodging the complaint police administration was collecting evidence to save that criminal. The report was not lodged on the same day but was lodged on the next day. I had prepared the report in National Commission for Scheduled Castes and Scheduled Tribes. You have to take action on the statement of the victim. When pressure was increased from all side three persons were arrested and rest of them are still not arrested.

In Ahmednagar of Maharashtra a heinous incident happened. A minor girl was gangraped. Both of her hands are broken, her feet are broken. Even after lodging the report, criminals are caught with great efforts.

Just now, the Orissa was mentioned, I also went to kandmal. There Police say that their crossfire was going on with naxalites and these innocent people were killed in crossfire. But there is no such evidence. There was no crossfire. It was purely murder. We have said that action should be taken in this matter.

Recently, an incident happened in Gujarat also. Dalits were beaten up mercilessly and there was delay in taking action. Five persons were arrested and they have a video also. In this video policemen are also seen. The batons which were used to beat dalits are police batons. Whether they were policemen in plain clothes or police had given them their batons to beat these dalits. Hence, connivance of police is clearly visible and action should be taken against these people.

There is Section 4 in SC/ST (Prevention of Atrocities) Act. This Section is made for these types of cases that if a police officer or any other officer deliberately neglect their rights then FIR should be lodged against him and he should be sent to Jail.

The case which happened in Una reflects the negligence of police. The connivance of Police is there and an action should be taken regarding it. According to the report coming from Gujarat there is lot of anger in Dalit society. They are committing suicide by consuming poison. I appeal them not to commit suicide. We need to fight unitedly.

An other point was mentioned that change in the mentality of people is required. Socio-economic disparity is a curse for us. If it is not removed then the whole constitutional framework will collapse. All the governments who came to power after Independence they did some work for the empowerment of the Dalits whether it is reservation in panchayats, whether it is reservation in Legislative Assembly and Parliament, whether it is reservation for education or reservation in services, whether it is special component plan and whether it is the nationalization of banks - it all happened. I accept that till now many things have changed but much more is still to be done.

MAHANT SHAMBHUPRASADJI TUNDIYA: I want to say few things about the atrocities committed upon Dalits in Una of Gujarat. I reached in this village, where this incident had happened on the early morning of 14th and I found that the situation of Dalits was very pitiable.

According to the State Government, criminals who are behind this incident and who have committed this act have been immediately taken to the custody. FIR was lodged against them immediately. After that 4 lakh rupees to each of the 7 members of the victim family were sanctioned as financial assistance from the Department of Social Justice and Empowerment of State Government. During the period of Congress or other political parties similar incidents have happened in Gujarat. There was a time when 4 Dalits were mercilessly murdered. In khambhat Tarapur 4 dalits were murdered but at that time no one uttered a word. No one had gone there also. All these cases are still pending. Some people have got justice and some have been punished in these cases. We are ashamed that these incidents occurred in Thanagarh. Everyone who is in the ruling Party has a moral

responsibility to perform his duties rightfully. It is very disturbing that some people collectively committed atrocities on Dalits by saying that they were cutting alive cows. I am ashamed to say through this House that it is a heinous crime.

Mr. Tirkey was saying that 4-5 persons were killed in police firing in Orissa. He was just saying that it should not be made an official topic but whether those persons who were killed in Orissa were not Dalits and who have been beaten up here are Dalits? This incident happened on 11th and today it is 21st, it has been 10 days and in these 10 days every single person of Bhartiya Janta Party has gone to that village and met these people. Chief Minister immediately went there and after taking details he ordered an enquiry. It was ordered to constitute a separate designated court under consultation of High Court. A special prosecutor was made available. He said that he will chargesheet the convicts within 7 days. Separate provision was made for all the victims. If anyone goes to their huts he would see that any modest person can not keep even his cattle in their huts. When the Hon'ble Chief Minister got to know about the loss of their livelihood, she decided that they would get daily compensation till they remain hospitalized. We should avoid politicizing the killings of Dalits. We should have a big heart on the issue of rights of Dalits and we should have this feeling in our heart that we become a part of social justice system and think about all Dalits.

DR. NARENDRA JADHAV: This Una incident in Gujarat is the most despicable and horrific incident and it is a national shame. This incident is symptomatic of a deeper malady that has plagued our country for a very long time. What is the broad picture of *dalit* atrocities in our country? The number of crimes against Scheduled Castes in the year 2014, as reported by NCRB, were 47064, and the hon. Member, Shri Punia, has now indicated that in the year 2015, the number had increased to 54,355. In the year 2014, the top three States, where the rate of crime against the Scheduled Castes was the highest, happened to be Uttar Pradesh, Rajasthan and Bihar. Gujarat, actually has much lower rate of crimes against the Scheduled Castes, i.e., 2.4 per cent whereas Uttar Pradesh, Rajasthan & Bihar are all in the range

of 17 to 18 per cent. There are three major reasons why atrocities on *Dalits* take place. The dominant castes in our country tend to reinforce the hierarchical caste-based power structure and suppress *Dalit* rights assertions. *Dalits* have been asserting for their Fundamental Rights which are given to them by the Indian Constitution and this is what is being resisted by the so-called upper caste and that has been leading to atrocities. The second reason is that the access to justice for Scheduled Castes is abysmally low. If you look at the general conviction rate in our country under the Indian Penal Code, it is 45 per cent, whereas the conviction rate for the crimes committed against Scheduled Castes is very low. The national average is 22.4 per cent. The minimum conviction rate happens to be in Bihar and also in Gujarat. In Gujarat, the conviction rate is only 2.9 per cent. The third reason for these atrocities is the severe lack of empathy on the part of the administrators, police and other authorities .

Sir, under the circumstances, what needs to be done? To my mind, there are four action points that I want to say. The first one is the enforcement of the law, particularly, the Scheduled Caste & the Scheduled Tribes (Prevention of Atrocities) Act. The second one is the promotion of inter-caste marriages. The third one is thinking about in terms of promoting non-usage of the surnames because they identify you by the caste and the fourth one is proper implementation of the Scheduled Castes and Scheduled Tribes Sub-Plan.

It was pointed out today that in Gujarat, in the last couple of years, the proportion of allocation for Scheduled Caste Sub-Plan has come down. Over the years, the proportion of the amount of money earmarked for Scheduled Caste Sub-Plan has never crossed nine per cent, which is a matter of grave concern. So, in that case, there needs to be an immediate correction in terms of implementation of the Scheduled Caste Sub-Plan adequately and effectively, and, at the same time, there is need for taking the most stringent action against the perpetrators of the heinous crime that took place in Una, Gujarat.

SHRIMATI KANIMOZHI: Yesterday, what happened here was deplorable and it was condemned by everybody. Bahenji was insulted. Our leader, today, has condemned what has happened. We

are standing one with Bahanji to continue her great work. This thing of insulting women, their character assassination, has been used as a weapon against women in public life, and this has to stop. We have been talking about what happened in Gujarat. The youth were insulted, flogged and beaten up. Where were the authorities; where was the police? I would like to ask who are these self-proclaimed cow protectors? It was not a crime actually to remove the carcass and remove the skin. Why aren't we banning organisations like this? A lot of Members here spoke about converts. When a *dalit* converts to Christianity or Islam, the society does not change. The society still looks at him as a *dalit*. That is why, our leader, time and again has written and insisted that the *dalits*, who convert, have also to be given reservations and protected. The society has not changed. If *dalits* are educated, if they have gone up in status, is the world looking at them differently? No; there is the case of Rohit Vemula. According to NCRB, in 2014, out of 1,27,341 cases which went for trials for atrocities against *dalits*, only 5,103 were convicted. The *dalits* are economically depressed. They depend on upper caste Hindus for their survival, for their livelihood. This has to change. We can't talk of growth which is not inclusive. In Anganwadis, there are different plates for the *dalit* students and upper caste Hindus. In Tamil Nadu schools there are students who come with different coloured bands to indicate which community they belong.

The Chairman of the National Commission for SC/ST community was there when this incident happened in Tamil Nadu. This person from Mayiladuthurai died in 2016 and his grandson moved the High Court because he knew that they would not be allowed to go to the burial ground through the common pathway. He moved the High Court and got a favourable order that there is no legal bar to use the common pathway and to undertake the funeral procession. But they were not allowed to use the common pathway. The Government officials, after that, invited the *dalits* and the caste Hindus and held talks. However, the caste Hindus refused to accept the HC order and reiterated that they would not allow the *dalits* to carry the dead body through the common pathway. The officials, instead of implementing the High Court order, took the stance to

appease the caste Hindus by creating a new pathway. Finally the *dalits* were not allowed to take the body through the common pathway and the Police carried it to the cremation ground. I just want to underline the fact how insensitive the officials and the law enforcement authorities can be. It is imperative to sensitize the authorities, judiciary, police force, politician, society to eradicate caste system and untouchability. Not to say the least even Dr. Babasahed Ambedkar did not approve of despotism.

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI THAAWAR CHAND GEHLOT),

intervening in the discussion, said: The incidents of Gujarat are deplorable. Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is an important act. Many provisions have been introduced in this Act to seek relief to the victims of Dalit Community. Two Acts have been worked upon quite proactively, namely, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The definition of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act has been chiefly modified. A number of crimes have been brought under the purview of the said Act. Under this Act a provision has been made to enhance the economic assistance provided to the victims from RS. 85,000 to 8,15,5000 this Act has been further made more rigorous. The law relating to scavenging has also been honesty implemented. The cooperation of honourable members of Parliament is expected to prevent incidents of atrocity. The SC sub plan has been enhanced by 11-12 percent by the government of the day.

I want to inform that SC sub-plan had a budget of Rs. 30,000 crore in 2015-16. In 2016-17, provision of about 38,800 crore has been made. We are trying to increase the budget of SC sub-plan continuously. The central budget of SC for the Ministry of Social Justice and Empowerment has been increased. We have spent more than 50 percent as compared to the money spent during the last 5 years of UPA-2. We have also increased the budget of Department of Empowerment of Persons with Disabilities. It is wrong to mislead people with wrong information.

Shri Ambedkar never allowed his followers to resort to violence. We have made efforts to enhance the respects the downtrodden. We have tried to make an atmosphere of reconciliation and harmony in the country.

SHRI ANAND SHARMA: The incident of Una, Gujarat is shameful and it maligns the image of India in the world. I am surprised and have objection to the statement of a Minister that people are agitating on roads because the incident was discussed in the House. If the people's representatives would not raise the issues of atrocities to people, who would then do it? A well planned campaign is being run to disturb the atmosphere of the country. Many organizations and people of regressive mindsets are there who are trying to decide the food habits and dress codes of people. Our Constitution has been written to remove casteism and untouchability which exist in our society. Action must be taken against those who violate the Constitution and laws of India. I ask Hon'ble Home Minister which organization you have taken action against. Why are students agitating in the universities one after another? Injustice is being done to the students of oppressed and Dalit classes. Government of Gujarat must take action on the incidents of Gujarat. Recently, a Minister of the present government gave a statement in a neighbouring state of Delhi. It is objectionable to say "the life of a cow is superior to the life of a man". I am informing and putting question to you. I am not making accusations. There is diversity in our society and country. Today, we have an ideology which is destroying this diversity. There is an army of India- Indian Army, but what are these other armies and groups? They are being given training in arms. Please stop this. Its results would be very dangerous.

We have freedom of choosing our food. We have both vegetarian and non-vegetarian people in our country. There are people of weaker sections whose calling is to skin the dead animal. Who do not wear shoes? Now what should be the punishments for those who kill these poor people? Sir, Minister has misled the House! He has said that Rs. 50,000 crore was given. It is not correct because if you look at the 2014 Budget, the allocation for SC sub-plan and tribal sub-

plan was cut by more than Rs. 24,000 crores. There is no disagreement that injustice has been committed against the Dalits for hundreds of years. Justice, freedom of thought, faith and religion, all these have been mentioned in our Constitution. But is the Constitution being respected? What would we say if there is a sudden increase in the incidents of atrocities to Dalits. Five such incidents are taking place every hour. When the matter is related to human rights, self respect and constitution then the Government should take the responsibility. Some organizations are trying to violate our constitution. Government should take action against such organizations. Our law and order system must be very strict. Government should try to provide social justice to the backward and suppressed people. In order to avoid the feeling of insecurity and unrest in the society our Government should respect everyone.

SHRI AMAR SHANKAR SABLE: I condemn the incident of Gujarat. I also condemn the use of indecent words against one of the senior Dalit woman member of this House. In this country Dalits are still being exploited. It is a stigma on humanity. The incidents of atrocities against Dalits are increasing. The rate of conviction in such cases is also very low. Dalits are uneducated and are not aware of legal procedure. Education must be provided to them. The creation of castles society and education of moral values can control such atrocities.

SARDAR BALWINDER SINGH BHUNDER: After independence of the Country, seventy years have gone by but this issue is still a prominent issue. This is all about mentality. The incident occurred in Gujarat was backed by religious fundamentalism. In Sikh religion, nothing is there like this. In Sikh religion a Dalit can also become the president of the SGPC. This country has multi religion. With this fundamental thought, the country cannot run. We must call an All Party Meeting to find out the way to change this mentality. No issue should be politicised. We condemn such incidents.

SHRI MADHUSUDAN MISTRY: Gujarat has faced a number of riots. Gujarati Muslims had to suffer a lot. Dalits from Gujarat have also faced atrocities. This is repeatedly being said here

that politics is going on this issue. When this question was raised in Rajya Sabha, protest movement was started. This movement is spontaneous. No politics is there. No action has been taken against perpetrators of atrocities on dalits. Spontaneous anger against such atrocities has taken to streets. Job creation has almost come to a standstill in Gujarat. Around 8 lakhs educated people are jobless in the state. People are devoid of water connection. I would like to know number of cases filed against perpetrators of atrocities on Dalits as atrocities against Dalits and Tribals are on the rise across the country.

DR. SATYANARAYAN JATIYA: I would like to know the reasons behind perpetration of atrocities on Dalits in various parts of the country. Rampant unemployment and Small means of livelihood drives them to do such menial jobs like skinning of dead cows. Hence, instead of wasting time any more we should dispense social justice to them. Even the Constitution of India also gives us equality of opportunity in matters of public employment. Mind set of Indian society has to be changed.

DR. K. KESHAVA RAO: In the last one decade, there is a 29 per cent increase in the cases of atrocities against Dalits. The conditions of Dalits are the same as it was earlier. There are the conflicting two laws. The Constitution is nothing but a social law and there are the Dharmas that you brought in our law. So, this conflict has to be solved. The Gujarat issue has provoked us to this debate. It is an insult to the society which I belong. This history has been repeated in the last 50 or 60 years. I condemn it because it is happening with us day-in-and-day out. A poor man can become rich but his caste can 'not be changed. Till today, cremation grounds are not available to the Dalits at several places. Still in our schools in several states, particularly, the lower caste dalits are asked to sit separately. We need to change it. If the Minister thinks there is some lacunae in the law, it does require a re-visit. You must include all those things and the IPC must also be looked into. A new agency in the form of Fast Track Courts has to be established. You must amend provisions relating to evidences and torts. When television shows you

the entire thing about raping of women, atrocities on dalits etc., you don't need any more evidence. The mindset of the people towards Dalits should also be changed. When an atrocity is committed against a Dalit you say that 'law will take its own course.' But, when a Dalit picks up a lathi, he becomes a naxalite! Hence, the lacunae in laws have to be removed.

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): I would like to state that the society has been divided today. Such incidents against minorities or Dalits have not happened for the first time. Now-a-days, we have to discuss on any of the incidents after a very short duration in this House. It indicates that there is something wrong in the country. We cannot become the biggest economy of the world by isolating 40-46 per cent of population of SCs/STs and minorities. I am proud that whenever there is an issue of unity and integrity of India all the minorities stand together. We all live together in a cordial manner here, but we are not able to stop social discrimination outside. People of some parties talk certain things on national television which divides the society. When someone kills any Dalit or Muslim, then no action is taken. So, people have no fear in their minds. Rather they do such thing to please their leadership. Earlier there was fear of action. When the persons of Dalit, minorities, depressed classes and Scheduled Tribes form such perception in their minds about the Central Government, then it is very dangerous thing for the nation. There is no statement from the Prime Minister yet regarding Kashmir whereby he could appeal to maintain peace there or he could have called an all party meeting to make any solution about this problem. Neither he issued any statement regarding Gujarat. The incident of Kashmir is not the ordinary thing. 44-45 people have been killed and more than 3000 people have been injured including security forces and civilians there. If we want a powerful India, we have to take everyone along.

THE MINISTER OF HOME AFFAIRS (SHRI RAJ NATH SINGH), replying to the discussion, said: We strictly condemn the incident of Gujarat. Such type of incidents should not be repeated in the country. Such types of incidents are stigma for the

nation, society and humanity. We should rise above the party lines and discuss on any issue related to national interest. Incidents of atrocities on dalits have taken place in almost all the states of the country. These incidents are stain for humanity and we have not been able to put a check on such incidents. It is a kind of perverted mindset and this cannot be changed only by rules and acts. We have to create awareness among society about moral values. Social and cultural organisations of country have to play important role in this regard and this cannot be done alone by political parties. Political parties should initiate some programmes like visiting dalit settlements, serving among them and some other works. We need to accept the challenge of crisis of credibility of politicians then our image will emerge as socio-political worker. It is my suggestion. It is necessary to bring change in the mindset of people of the country.

I am requesting that we should not concern only about physical but verbal abuse also brings disrespect to an individual person. I think that Society should condemn such people. Our Government have initiated some programmes for upliftment of people so that their uncertainty regarding future can be done away with. The poor of the country can open bank account due to 'Jan-Dhan' Yojana. The poor become part of mainstream of economy. SC and ST youngsters will be provided loan on low rate of interest under the stand-up India. It has been compulsory for all the banks to provide loan to atleast one SC, ST and female so that they may establish their own industry. Our Government have provided LPG gas connection to poor. Approach of our Government is positive. This is for the first time that any Government has made efforts that there must be a toilet in each family. I am not making a claim that whatever is being done in India is being done by us only and nobody else did that ever before. No political party can take the country ahead all alone. We will have to make concerted efforts. I would certainly like to make a mention of Gujrat incident here. FIR has been registered against around 7 persons in the matter. 16 persons have been arrested. 4 police personnel have been suspended. In view of gravity of the crime, it has been referred to CID crime branch. Government wants a quick justice in the matter. We do not want to linger the matter. Besides, a letter has been written

to High Court for constituting a special court for the case. CID crime branch has been directed to submit a charge-sheet in the court within 60 days. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act was enacted in 1990. In order to make it slightly effective, this Act has been passed again in 2015. The most important provision in the Act is that investigation must be completed and charge-sheet filed within a period of 2 months. We have also defined 'willful negligence' in the Act. I would look into the suggestions made by Hon'ble Members and try to act on it to the extent possible. In the long run, I would like to say that our Government is not going to tolerate such incidents of atrocities on *Dalits* in the country in any case.

Discussion concluded.

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Secretary-General.

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ERRATA TO THE SYNOPSIS OF DEBATE

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Page No.	Line No.	Correction
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