

A Study on the Violence of Dalit women Right in Western Odisha

Karna Singh^{1,*}

Abstract

All persons are born free and with equal rights. As a result of profoundly unbalanced social, economic, and political power dynamics, caste- and gender-based violence against Dalit women is pervasive. Due to their socioeconomic weakness, lack of political representation, and the predominate risk factors of being Dalit and female, they are more likely to encounter potentially violent circumstances while having less time to flee as a result. Violence against Dalit women is blatant proof of pervasive exploitation and discrimination against these women, who are subjected to men in a patriarchal society in terms of power relationships, as well as against their caste-based communities. If left with residuary function and subsidiary position in work participation, no country can advance its half of the population. Low levels of literacy, skills, and income-earning capacity for women are anchored in society and substantially impede economic growth and human advancement as a whole. In an effort to change the situation, independent India has declared that gender equality is a fundamental right guaranteed by the Constitution and has directed state policy on removing the many obstacles that stand in the way of women achieving their full potential.

Keywords: Dalit, untouchable, women, schedule caste, violation, constitution, right

INTRODUCTION

A significant percentage of India's population is made up of Dalit women. They have endured social exclusion and degrading treatment for a very long time. The government has constantly created programs for their economic, social, and political empowerment through "positive interventions" and "affirmative measures."

According to international reports, discrimination starts young and is visible in things like a mother's access to healthcare and a baby's access to a nutritious diet. This persists throughout the educational system.

Dalit women are occasionally raped or beaten in reprisal against their male family members or relatives who are thought to have committed some sort of violation or offenses against any members of the higher caste. Additionally, they endure assault while detained by the police in order for the officers to capture their family members.

*Author for Correspondence

Karna Singh
E-mail: karan4u358@gmail.com

¹Research Scholar (SRF), Department of Law, Sambalpur University, Odisha, India

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CONCEPT OF DALIT OR UNTOUCHABILITY

Untouchables are members of a certain group of low castes who are prohibited from having certain relationships with higher creatures (both human and divine) because of their excessive collective

impurity. They number roughly 1.50 million and make up about 16% of the Indian population. They have been referred to by a variety of names, including "Untouchables," "Harijans," "Depressed Classes," "Exterior Castes," "Pariahs," and "Depressed Classes," which are all glorified terms that were coined by Narasimha Mehta and adopted and popularized by Mahatma Gandhi. (Deliege, 1997) The titles "Mlechha" and "Chandala" (used by Man), as well as "Panchama" (the fifth class), "Avarna" (i.e., outside the four varnas), "Nishada," "Paulkasa," "Antyaja," and "Atishudra," etc., were used in earlier times. The term "Scheduled Castes" originally appeared in April 1935, when the British government issued the Government of India (Scheduled Caste) Order, 1936, designating a variety of castes, races, and tribes as Scheduled Castes. These populations were previously referred to as the "Depressed Classes." The term "Dalit," while originally used in journalistic articles to refer to the Untouchables as early as 1931, did not become widely used until the Dalit Panther Movement in Maharashtra at the beginning of the 1970s. In its current usage, the phrase refers to persons who are oppressed because of their lower caste birth and denotes a status of being underprivileged and deprived of fundamental rights.

VIOLENCE AGAINST DALIT WOMEN

Let us begin with the definition of the word 'violence' for our purpose. Violence is defined as an act of hostility and abuse with the purpose of inflicting pain or injury on another person. Additionally, it suggests an aggressive propensity to engage in destructive activities. Both spontaneous and planned acts of violence, including those committed by authorized or unauthorized violent groups, are possible. "Aggression is behaviors that are intended to cause not only harm but also pain. Aggression can be physical as well as verbal. Abuse causes harm. In the context of a dalit woman it can be sexual, physical and verbal. It can inflict harm to the body and can also injure feelings. Atrocities are defined as crimes or excesses that can be committed against a single person or an entire ethnic community" [8]. All of these factors must be taken into account while discussing violence against or crimes committed against dalit women. The phrase "violence against women" refers to all violent crimes that are predominantly or solely committed against women. The main reason for the assault is the victim's gender. "Violence against women" is defined by the "United Nations General Assembly as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm to, or suffering from, women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life" [8].

Gender-based Violence

"The first international human rights document to specifically and publicly address violence against women is the Declaration on the Elimination of Violence against Women" (Sharma, 2010) [9].

Domestic Violence

Domestic violence is a part of violence against women which affects women in every family, class, caste, religion, tribes and age in western Odisha.

Human Trafficking

Most of the victims are Dalit women, because women are vulnerable and soft hearted than their male counterparts. The most common form of human trafficking in western Odisha is where unemployed, illiterate, poor, who depends on wage labour for their survival and underprivileged women are falsely promised decent job outside of Odiha that is call "Dadana" but are often commercially and sexually exploited by the so called employer.

Sexual Factor

The ever present threat of sexual violence, by far the most common type of violence against dalit women, similar in all societies covers a wide range. The least serious is "sexual harassment" or eve-teasing remains a very humiliating and bitter experience for women. It is encountered in public places and on the streets, in the form of wolf whistles, touching, pushing or pawing and there are very common in western Odisha. In the work place it may lead sexual demands from superior caste, in rural areas it

is village headmen or other powerful men who exert touch pressure to the dalit women. More serious is sexual assault which does not technically amount to rape and does not carry a severe penalty. Other than the physical trauma, there are several frightening aspects related to sexual assault and rape.

Sexual Harassment

There isn't a Dalit woman alive today who hasn't experienced the violence, exploitation, and harassment that follow her sex at some point in her life. The existence of a dalit woman changes between danger and pleasure. Most of the victims are dalit girl child and women when the problem happen and reported to the police, even police neglected and did not take proper actions in western odisha.. Most of the cases are not reported due to: - lack of awareness, poverty, fear of losing their job, afraid of bringing shame to their family, fear of further harassment. So, most of the cases was hidden and unheard that rises more serious problems in western odisha.

Sexual Harassment at the Work Place

Sexual Harassment at the work place is a growing concern for the dalit women. The superior employee they think inferior to then harassments due they are got their job in reservation. It is against women's fundamental rights and basic human rights to engage in sexual harassment at work because it damages their sense of dignity and their right to earn a living with dignity. One of the ill effects of such developments has been the occurrence of sexual harassment of dalit women in employment and educational fields.

Rape

A form of sexual assault known as rape typically involves a sexual intercourse. The incidence of rape cases involving Dalit women in western Odisha has significantly increased during the past ten years. Rape is one of the biggest problems in rural as well as urban areas. Mobile phones increase rape cases in western Odisha; the majority are minors.

Custodial Violence

“Violence against Dalit women by the very people who are supposed to protect those— members of the law enforcement and criminal justice systems—is widespread. Dalit women are verbally or physically abused; even they suffer sexually and physically tortured. So many women held in custody are raped in police detention centers. One of the reasons is the false promise and threat of dalit women while in detention and to hold them accountable for their actions” [10]. But, as compared with other states in western Odisha,

Societal Violence Against Women

“The communities and societies in western odisha in most of the places are bound dalit women could hardly get true justice. The religious communities, village communities, NGO's or the artificial communities are hardly epitome of equality between men and women. Quite often the societal communities have made the life of the dalit women worse by forcing them to adopt conservative practices that are harmful to women” (Sutapa Saryal, 2014).

CONSTITUTIONAL AND LEGAL PROVISION

The Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of the Indian Constitution all specifically mention the significance of gender equality. In addition to ensuring women's equality, the Constitution grants the state the power to implement discriminatory policies that are favorable to them in order to offset the cumulative social, educational, and political disadvantages that women face. To progress women in a variety of sectors within the framework of a democratic democracy, our laws, development strategies, plans, and programs have all been created. India has ratified several international agreements and human rights treaties in order to ensure the equal rights of women. One of them, and maybe the most significant, is the ratification of the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) in 1993. The Constitution has 45 protections for Women are as follows:

Article 14 confers on men and women equal rights and opportunities in the political, economic, and social spheres.

Article 15 prohibits discrimination against any citizen on grounds of religion, race, caste, sex, etc.

Article 16 provides for equality of opportunity in matters relating to employment or appointment to any office under the state.

Article 39 (a) (d) mentions the policy security of state equality for men and women, the right to a means of livelihood, and equal pay for equal work for both men and women.

The state is required by Article 42 to make provisions for reasonable and humane working conditions including maternity leave. Women have the following legal protections: 1948 Factories Act: This Act forbids the employment of women outside of the hours of 6 a.m. and 7 p.m. and states that no woman may be required to work more than 8 hours per day.

A woman is entitled to 12 weeks of paid maternity leave under the Maternity Benefit Act of 1961.

According to the terms of the Dowry Prohibition Act of 1961, it is illegal to seek dowry before, during, or after marriage.

The 1976 Equal Remuneration Act: Equal pay for equal work is guaranteed by this law. It states that everyone shall be paid equally for the remuneration of similar work performed by both men and women. Additionally, discrimination against women in hiring is prohibited. The Child Marriage Restraint Act of 1976 rises the marriage age for men and women to 21 years for men and 18 years for women, respectively. Sections 354 and 509 of the Indian Penal Code protect the interests of women.

Women are safeguarded from unjustified and forced abortions by the Medical Termination of Pregnancy Act 1971. Amendment to the Criminal Law of 1983, which stipulates a 7 year sentence for non-custodial rape and a 10 year sentence for custodial rape 1/3 of the seats in panchayats and urban local governments were designated for women under the 73rd and 74th Constitutional Amendment Act.

The National Commission for Women Act, 1990 was founded in January 1992 with the purpose of evaluating the legal and constitutional protections for women.

Human Rights Protection Act of 1993 and the 2005 Protection of Women from Domestic Violence Act Domestic violence is defined as any act, action, omission, or commission that endangers, injures, or has the potential to endanger women. It safeguards women against abuse on all fronts, including economic, emotional, verbal, and physical. 2010 Bill passed in parliament Women's Protection from Sexual Harassment at Work: Women's Protection from Sexual Harassment at Work On November 4, 2010, the government introduced Bill 2010, which intends to protect women on the job for female clients, customers, and students, research scholars at colleges and universities, and patients in hospitals. The Lok Sabha adopted the bill on March 9, 2012.

PROTECTION OF WOMEN RIGHTS

Women's rights are acknowledged as human rights on a global scale, but they have not yet been established as a fundamental privilege that all women should have. The Protection of Human Rights Act, 1993, which was passed by the Indian Parliament in 1993, included these human rights into Indian law because India is a signatory to all of these agreements. As a member of the human family, every person is entitled to certain fundamental freedoms. These freedoms are known as human rights. The idea of human dignity is connected to the idea of human rights. All such rights that are necessary for upholding human dignity can then be categorized as belonging to the category of human rights. Various

categories of human rights exist according to two categories as (i) civil and political rights and (ii) economic and social rights. Human rights refer to ensuring all of a person's rights and dignity, such as the right to a life of dignity, freedom, equality, and social security, among others. Although liberalism holds that all people are one and those men and women have equal rights as a result, it is essential to talk specifically about the rights of women because of particular contextual considerations. This is due to a number of factors: First, women make up over half of the world's population. Second, they face discrimination everywhere, in all walks of life, and at all phases. Third, because women are expected to do a variety of unique tasks, they require their own set of human rights. Human rights for women go under the following categories:

- i. Right to equality,
- ii. Right to education,
- iii. Right to life with dignity,
- iv. Right to liberty,
- v. Political rights,
- vi. Right to property,
- vii. Right to equal opportunity for employment,
- viii. Right to free choice of profession,
- ix. Right to livelihood, x. Right to work in equitable condition,
- x. Right to get equal wages for equal work,
- xi. Right to protection from gender discrimination,
- xii. Right to social protection in the eventually of retirement, old age and sickness, xiv. Right to protection from inhuman treatment,
- xiii. Right to protection of health,
- xiv. Right to privacy in terms of personal life, family, residence, correspondence etc, and
- xv. Right to protection from society, state and family system.

Equal chances must be given to all societal groups if democracy and democratic institutions are to be strengthened. All women in India now have equal rights under the Indian Constitution. In India, women make up roughly 50% of the population. The Indian Constitution's Part Three, which is devoted to fundamental rights, and Part Four, which is devoted to directive principles of state policy, both expound on women's human rights in numerous provisions. The following list summarizes the articles of significant provisions:

Article 14 states, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Thus, Article 14 guarantees to every person, male and female, the right to equality before the law or the equal protection of the laws".

Article 15 states that "the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth, or any of them".

Article 15(3) makes "special provision for the betterment of such sections of society. These have been labeled as positive discrimination. Clause (3) of Article 15 states that, nothing in this article shall prevent the State from making any special provision for women and children. Thus, it is clear that the state can discriminate in favor of women and children, although it is under obligation not to discriminate against citizens" [10].

Article 16 provides that "equality of opportunity for men and women in matters of public employment. Gender discrimination, at least in theory, has been prohibited by this article, paving the way for Indian women to look forward to entering government employment".

Article 21(A) provides that "the state shall provide free and compulsory education to children between 6 and 14 years of age. This provision is equally applicable to both males and females".

CHALLENGES FACED BY DALIT WOMEN**Failure of policies**

The measures are insufficient to close the gaps between them and the rest of Indian society and lessen the effects of prior impairments and handicaps.

Dalit women continue to experience extreme poverty, discrimination based on gender, caste, and socioeconomic status.

Violence

Girls face violence more frequently and at younger ages than women from other castes. According to the National Family Health Survey, 33.2% of women from scheduled castes had suffered physical abuse by the time they were 15 years old.

19.7% of women belong to the "other" group.

The ongoing violence is largely caused by the dominant castes' perception of lawlessness.

Political Power does not Help

Even when Dalit women attain political power, like when they are elected as sarpanches, there is sometimes no protection against the social power that supports violence and discrimination against them. Attabira block, Tope Panchayat Sarpachan, was abused by the upper caste in public places, but the police and administration pressured them to compromise.

A Dalit woman was burned in a community where a Dalit woman served as the sarpanch, yet nothing was done about it.

Burning examples Attabira constituency MLA madam belong to Dalit they are not respected by the upper caste. The backside Gandden MLA is called in.

Attitude of Dominant Castes

The upper-dominant castes have a mindset that allows them to be sure they can do whatever they wish for Schedules caste women's and they can get always and escape from society.

The disadvantages Dalit women experience as a result of Brahmanical fixation with "purity and pollution" has a negative impact on all facets of development.

Even today, Dalit women and their families are sometimes grouped in separate hamlets on the outskirts of villages or mohallas in a village's corner, without access to public services like drinking water, healthcare, education, and approach roads, among others.

Their homesteads are mostly found in slums, which are typically situated in extremely unclean environments, in urban areas.

They become more vulnerable to violence and prejudice as a result of behaviors that are used against them in the name of religion, such as "Nude Worship," the Devdasi system, and other similar types of rituals.

"The UN Special Rapporteur on Violence Against Women [10]" has underlined that governmental actors and influential members of the dominant castes utilize targeted violence against Dalit women, including rape and murder, to teach political lessons and squash opposition within the society.

Cases Withdrawn and Lack of Justice

Without proper security, witnesses typically turn hostile as a result of threats from outside fear and village superiors, politician interference in the judicial system, and many cases are regularly dismissed.

India has a serious problem with sanctioned impunity on the part of the criminals, and Dalit women's rights to legal assistance and justice are frequently denied or purposely neglected and delayed by the police. For Dalit women, access to justice is severely hampered by a pattern of persistent report filing delays and procedural flaws, which promotes widespread impunity.

Workplace Violence

Migrants and women of dalit are more at risk of occupational injury due to the dangerous workplaces and a lack of labour rights protection measures.

Furthermore, it is increasingly challenging for them to obtain compensation when they are hurt at work due to the emerging issue of short-term labor subcontracting.

Dalit women are especially susceptible to mistreatment and exploitation at the hands of employers, immigration brokers, dishonest bureaucrats, and criminal groups.

A significant number of Dalit women migrate as a result of slavery trafficking.

CONCLUSION

However, in light of the discussion above, I may assert that Dalits continue to experience discrimination, violence, murder, rape, and sexual harassment despite comprehensive constitutional provisions, programs, policies, and other safeguards (social, cultural, economic, and educational). This essay seeks to comprehend the issues Dalit women in India confront and to examine the numerous difficulties they encounter. The Dalits and lower caste members continue to experience human rights violations despite policies to eradicate the caste system. The goal of the report is to inspire future initiatives to rectify these injustices, which frequently go unnoticed by the judiciary, police, and government. It is hoped that the observational findings in this work will encourage similar efforts in the future. The Scheduled Castes' viewpoint of discrimination demonstrates that for practically all significant activities, caste is a crucial factor. It has been established that the western Odisha village still practices untouchability and other forms of social stigma, although being more developed than an interior village.

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