

Scenario of Human Rights of Dalits in Marathwada Region: A Study from Atrocity Perspective

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Abstract

The Universal Declaration of Human Rights 1948 declares right to life as fundamental right of every human being, same has been reflected in the Constitution of India. However, this abstract idea of human right is having extreme thin application in real life. So far as right to life of dalit is concerned, the antagonistic concept of human right is proved to be a most wilful neglected issue in Indian caste ridden society. Violence against dalit is common phenomenon, which has gone to deprivation of life on very trifling issues like, preference to take water on public hand pump, or assertive reaction to atrocious action of savarnas. Apathy of enforcing agencies of the State plays significant role in encouraging such incidents. Education system is failure to inculcate sensitivity about preservation and protection of human rights of all. Caste based hatred of dalits being political manifesto of politics by political parties sometimes proved to be a prime cause of violation of dalits human rights. Antagonistic assertion of dalit from any sects (Hindu or non Hindu) to have equality, liberty and freedom in the era of globalisation has been intolerable by the savarnas. Rising of dalits in terms of economic, social, political, educational way are the causes of rampant violation of human rights as an expression of annoyance. Therefore, in order to combat violation of human right of dalits, political parties having caste hatred agenda must be harnessed by the Election Commission. Proved negligent enforcing authorities must be provided with stern punishment. Human rights in general and dalit human rights in particular be incorporated as an integral part of curricula at schooling level so that, values of human rights could be inculcated on the young mind of child.

Key words: dalit, human rights, atrocity, discrimination, violation.

Introduction:

The post independence developments in India, are posing to be concentrated to assure liberty, equality, justice and fraternity and thereby annihilate the disqualifications imposed artificially by the man made caste system. So far as irony of *dalits* is concerned the roots are embedded in the *Chaturvarna* based caste system namely, *Brahmin*, *Kshatriya*, *Vaishya*, and *Shudras*. The *Chaturvarna* system has paved a path for causing discrimination, hatred, denial of opportunity, and elimination to the *dalits*. A phenomenon of human rights assures to bring about two fold revolutionary transformations in the lifestyle of marginalised section of the society one abolishing indignities and other accords identity as human being. However, in democratic system of

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governance, active prevalence of equality, unity and integrity is solicited so that social fabric along with nationhood is strengthened. Therefore in the form of fundamental rights the cardinal principles of human rights have been incorporated in the Constitution of India. Beside this, basic safeguards are made available to be enjoyed with by certain national or international human rights instruments. But apathy of enforcing mechanism is proved to be a cause of failure of the whole mechanism, hence, rampant violations of human rights of *dalits* at large scale is occurred in Marathwada region aiming at a reaction by the caste forces to the *dalit* assertion.

There are few districts of Marathwada region which are called as atrocities affected. Certain reports based on investigative study have put forth empirical data with genuine causes of abridging inalienable human rights of *dalits*. This paper is an attempt to summarise the causes and extent of various forms of atrocities against *dalit* with special mention of the prevalence of Constitutional and other statutory provisions. This paper also refers to the political attitude and responses of governmental agencies *inter alia* to the violation of human rights of *dalits* in the form of atrocities in the realm of political democracy meant for equality, liberty, justice, fraternity.

Understanding the magnitude of problem of human rights of dalits:

The part III and IV of the Constitution of India encompass Civil and Political Rights as well as Social, Economic, and Cultural Rights. Difference between these two is *inter alia* on the count of legal enforceability, earlier are judiciously enforceable whereas later are not. These rights are attached with great significance for maintaining social and political harmony of the nation. While speaking about fate of political democracy Dr. Ambedkar says, “On this 26th January 1950, we are going to enter into a life of contradiction, in politics we will have equality and in the social and economic life we will have inequality. In politics we will be recognising the principle of one man, one vote and one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value”². Exactly, the warning of Dr. Ambedkar had given, has turned out to be a reality, still in social and economic life neither equality of status is recognised for the *dalits* by caste Hindus nor they are allowed to up rise at their own.

Certainly, following questions are coming up for consideration while undertaking this analytical understanding of the human rights of the *dalits* staying in Marathwada region of Maharashtra State of Indian republic.

Does government in democratic state has ever protected the human rights of *dalits*?

Do the national and international human rights instruments have brought about the transformations in the social strata of *dalits*?

Do *dalits* in Marathwada region as human being are able enough to enjoy benefits of democracy in social and economic life?

² D. Raja, “Dalit Question and caste- class Issues” 45 (18) *Maintream* 11, (2007)

Looking at Socio-economic status of Dalits:

An artificial creation of caste system based upon the *Chaturvarna* has been the root cause of imposing derogatory status of *Dalits*. *Chaturvarna* does provide them a place at lowest of the lower by labelling them to be the *Shudras*. In the course of time these *Shudras* have possessed another nomenclature that is untouchables. Due to strict adherence to the practice of untouchability *Shudras* were become untouchables and thereby deprived of all opportunities much less to have even status of human being. They were also denied to have education, money, power, knowledge. Hence, the so called untouchables have been suffering the stigma of untouchability followed by servitude, illiteracy, and grinding poverty. Untouchability was observed as a social custom throughout India till the commencement of the Constitution of India. “A social custom is a group pattern of habitual activity usually transmitted from generation to another”³. To be in practice the untouchability had religious base, hence ‘since the customary rules of caste derive support from some elements of the Hindu religious philosophy, deviation from the moral code of the caste conduct invites social ostracism and various forms of atrocities against the erstwhile untouchables, which are considered to be socially just and morally right. Such customary rules have been, more or less, responsible for the exclusion, discrimination and marginalisation of some social groups in India, that is, the scheduled caste or Dalits (SCs) and the Scheduled Tribes or the Adivais (STs) etc’⁴.

Astonishingly, principle of untouchability has base of discrimination which allow the caste Hindus the deprivation of *Dalits*, this deprivation has given rise in exclusion which in result put them under marginalisation, means in all ways this section was put in valley of sorrow. Hence, there was denial of human status. So far as identity is concerned they were called as, untouchables, down trodden, scheduled caste, now *Dalits*. ‘Eventually the founding fathers of the Constitution of India, who visualised a society based on justice, liberty, equality and fraternity provided inter alia, for the abolition of untouchability’⁵. subsequently, observance of such practice was made a punishable act.

Demographically, ‘*Dalits* constitute for nearly 16.48 per cent of India’s people, there are more *Dalits* in India than there are people in Pakistan. Their contribution to society in terms of labour, art and culture is enormous. Their share of the country’s resources and riches is, however, disproportionately lower’⁶. In fact, this is all illogical, irrational, and detrimental as well either to the overall development of mankind or nation. It was therefore advocated by apostle of social justice and great humanist statesman Dr. Ambedkar that caste to be

³ Dr. R. K Khirsagar, laws of untouchability p. No. 136.

⁴ Sukhdeo Thorat & Prashant Negi, Exclusion and Discrimination — Civil Rights Violations and Atrocities in Maharashtra, IIDS, New Delhi

⁵ C. A. D.Vol. VIII p. 669

⁶ P. sainath, PUCL Bulletin July 1999.

annihilated for the development of nation⁷, however, this logical demand has not ever had got a solidarity from the so called liberation organisations.

Dalits are not only marginalised in term of socially but in economic terms also they are weaker than upper caste Hindus. Due to religious dictum they have been deprived of right to property, which has resulted in perpetual landlessness of the *Dalits*, if someone does have land, it is of poor quality. As much as 77 per cent of the *Dalit* workforce is in the primary or agricultural sector of the economy.⁸

Human rights of dalits: a Constitutional and Legal Scenario

Upon meticulous observations of the provisions both of the Universal Declaration of Human Rights, 1948 and the Constitution of India, parts III are extremely identical. Hence, it is stated categorically in the Constitution of India part III, under Art. 17, that, “untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “untouchability” shall be an offence punishable in accordance with law” (Kumar,Nareder;2008:209). This provision in stricter sense could not create expected impression to take recourse against violation of this provision was beyond reach of the poor and illiterate victim. Hence, by having strict adherence to the provisions laid down under Article 35, the Parliament of India, exercised the power conferred upon by this Article only, and enacted the Untouchability (Offence) Act, 1955. This Act, in 1976 under went certain amendments and was renamed as the Protection of Civil Rights Act, 1955.

Dalits have also been equipped with the constitutional safeguards, so as to enable them to be an integral part of the Indian society. As provided, certain educational facilities under Article 15 (4) and 46, reservation in the employment under Article 16 (4) and 335 and reservation in the central and state legislature under Article 330 (1) and 332 (1) of the constitution respectively. In addition the planning commission has been providing for the socio-economic development of erstwhile untouchables.

A harsh reality of reservations is regrettable to note that, except political spheres other left unfulfilled. Therefore, in real sense the provisions of reservations are proved to be remained on the paper and not in practice, which could not help to upgrade real life of beneficiaries as expected as it was to be.

Other legislative steps to combat caste based injustices and violation of human rights of Dalits, a revolutionary move of the Union Government in this regard was to enact, ‘SC/ST (Prevention of Atrocities) Act, 1989, this piece of legislation was resisted by the members of parliament of the ruling party itself, despite the government got it enacted. Making of legislation was justified by Rajendra Kumari Bajpai, while putting forth this Bill in the Parliament, she said, “When they assert their rights and resist practices of *untouchability* against them or demand statutory minimum wages or refused to do any bonded labour, the vested interest tries to cow them and terrorise them. When the SCs/STs try to preserve their self respect or honour of their women, they become irritant for the

⁷ Dr. Ambedkar, B.R., Annihilation of Caste, 1935.

⁸ P. sainath, PUCL Bulletin July 1999.

dominant and mighty⁹”. Despite of this endeavour, *Dalits* are still treated as untouchables by the upper castes in India, as a population *Dalits* are excluded from justifying their human rights. To give such legislative protection to the *Dalits* had become unavoidable to the government because ever increasing graph of violation of human rights had gone to cross the boundary mark of tolerance of human being.

These pieces of legislations have generated a wave of confidence of the *dalits*, they have started to speak assertive language of rights, justice, equality, opportunity. As a response, assertion of *Dalits* is sabotaged by the caste Hindus or upper castes by causing brutal atrocities. Some political parties namely Shiv Sena had a political manifesto to nullify the atrocity Act.

About Marathwada Region

Marathwada is a region of Maharashtra State of Indian republic. At present this region consist of eight districts, namely Aurangabad, Jalna, Beed, Prabhani, Hingoli, Nanded, Latur and Osmanabad, previous to independence it was a part of Nizam State at Hyderabad. The upper castes Marathas perpetrate regularly the atrocities on the *dalits*. The powerful Marathas are the descendents of the same people which used be the landlords, by virtue of the prizes showered by the Nizam. Marathas are now become the agents of political power, therefore, no State mechanism is interested in initiating an effective legal step to curb the ever increasing violation of human right of dalits by the Marathas.

On the contrary, though the *Dalits* had fellow lands prized by the Nizam due to their martial qualities, these lands have not been regularised by the Indian state after independence. The community is staying in the villages particularly, they are under constant grip of fear, and they do not have educational, social or political rights. Neither *Dalits* have entry to temples nor have free access to drinking water resources like well and hand pumps. The State Government of Maharashtra has confiscated the lands of *Dalits* by promulgation of Government Resolution.

There is dual politics of political leaders, ‘the politicians are supportive to the Marathas openly or surreptitiously, for instance, the “Chava (Cub) Organisation” which feel *Dalits* as enemy, and without regard to the law causes atrocities, was rewarded by the then Chief Minister Vilasrao Deshmukh by giving rupees Ten Lacs. In practice he posed himself to be affiliated to the Congress I, so called secular party. If *Dalits* assert their rights, they are boycotted, beaten, tortured and still if not satisfied are murdered with various inhuman, shuddering methods’¹⁰. Role of the police is nothing but puppet in the hands of political power, instead of booking them under POA Act, 1989, they are charged with provisions of PCR, 1976, where accused get released on bail easily.

⁹ Statement of object and reasons, SC/ST (Prevention of Atrocities) Act, 1989.

¹⁰ Caste virus in marathwada

Causing atrocities is usual phenomenon, ‘atrocities on Dalits or their killings are not a new thing in Marathwada. Marathwada earned its dubious distinction by perpetrating numerous atrocities on Dalits and killing hundreds of them during the movement for renaming the Marathwada University after Babasaheb Ambedkar and even thereafter’¹¹.

More or less in every district atrocities against dalits are reported, “among the eight districts of this region in central Maharashtra, Jalana tops with 19 of the total 46 crime cases involving attacks on Dalits registered in the last six months. Last year, in all, 18 cases of atrocities against Dalits were registered in the district but this year during the first five and a half months itself, there have been 14 cases. Out of them, Ambad-Ghansawangi talukas accounts for five cases”¹².

Cases of Violation Human Rights vis-a-vis Atrocities

Perpetuating of violations of human rights of Dalits is not restricted to elimination of member but it goes extended to denial of access to temple, denial of access to water places, discrimination at the public functions. Few among the other incidents following cases are top of the ice berg in the ocean.

(i) Eliminations (Murders):

Perpetuating violation of human rights of Dalits is not an unusual phenomenon for ferocious caste based discriminative attitude of Marathwada people. Before, during and after renaming struggle of dalits for Marathwada University as Dr. Babasaheb Ambedkar Marathwada University, the members of Scheduled Caste Mahar (Budhist) were the intentional target by the caste Hindus to perpetrate violence as per their whim. A *Dalit* woman was paraded naked in village Sirasgaion, Taluka Gangapur, Dist: Aurangabad, on the count that, these people were demanding assertively, the name of Babasaheb Ambedkar to the University.

The incident of violation of human right of *Dalits* to have water in preference to Maratha at public hand pump had happened on 14th May 2003 at Bhutegaon Tq. Ghansawangi Dist: Jalna. A youth belonging to Matang caste was set ablaze by the mob of 20 persons of Maratha caste, who in the course of treatment got died. This taluka has been infamous for its dominant feudal setting. Caste traditions are still in prevalence, the writ of Maratha landlords called patils runs supremacy in the entire taluka¹³. Due to denial of preference to fill up vassal by Matang girl was the sole cause of annoyance to the Marathas.

This incident has background of huge water scarcity in the 39 talukas out of 76 talukas of whole Marathwada in the year 2003. As a result, the caste clashes on the issue of getting water at the public hand pumps as usual matter. But in this village Bhutegaon, discriminative treatments to the dalits based on their castes have also been

¹¹ Violence Against Dalits in Marathwada-The Caste Cauldron of Maharashtra A Report by the fact finding Team Comprising Dr. Anand Teltumbde, Akram Siddiqui,Subodh More,Hashim Mohammad. On behalf of Committee for Protection of Democratic Rights, Mumbai

¹² Ibid.

¹³ Violence Against Dalits in Marathwada-The Caste Cauldron of Maharashtra A Report by the fact finding Team Comprising Dr. Anand Teltumbde, Akram Siddiqui,Subodh More,Hashim Mohammad. On behalf of Committee for Protection of Democratic Rights, Mumbai

observed as strict as these were in the regime of *Manu code*, for instance, the committee noticed that, *Dalits* do not have entry into their houses or their temples. Untouchability is still practiced in its quit essential form. A well which was situated in the part of village where Bhutekar lived was not accessible to the lower caste nor were dalits allowed to approach other hand pump in Bhutekars area. Bhutekars claimed not only access to all the pumps but also a privilege to be the first on any of them.

The counter side of Dalits was extremely pathetic, as they were landless labourer; they depend upon the savarna landlords for their livelihood. In return they get as male farm labourer Rs. 40 per day and in the cropping season Rs.50 the female labourer Rs. 15-20. Educationally *Dalits* are lagging behind than the Marathas. Due to having all favourable situations, it was reportedly said to the committee, “beating up of the Dalits was not an unusual occurrence in Bhutegaon but it never went to the extent to killing.”¹⁴

Recently a adolescent boy Bhimraj Balasaheb Gaikwad age 17 years at village Lakh Khandala Tq. Vaijapur Dist. Aurangabd¹⁵ has been assassinated on 14th March 2020 in the night when he was slept in fort of his hut in the field by upper caste accused by assaulting on the suspicion that his brother has taken away a girl of them, he being from scheduled caste has violated a social law which does not permit relation between lower caste and upper caste. Along with one boy other members were severely beaten. It has been revealed that, foresight of this incident was reported to the police by the victims and prayed for protection on 13th March 2020 but police was reluctant to consider it positively, otherwise it could have been avoided.

(ii) Access of Dalits to water resources:

With regards to access to civil amenities like water, it was found that a high degree of untouchability-based discrimination was practiced in the region. Dalits were not allowed access to higher caste wells and if their water sources dried up, they had to take recourse to alternative sources other than the higher caste sources. Often, this would mean increased drudgery or drinking polluted water as in Shimpala village, district Nanded. Similar was the case with tapped sources, wherein, Dalits were categorically told not to touch the taps. In Bamni village, district Latur even the pots belonging to Dalits could not touch those of the higher castes. In Nitali and Ghugi village, district Osmanabad, even though Dalits were called to repair the damaged pumps of the higher castes, they could not use the same and after the work was complete, the higher castes washed the taps of all impurities. Even instances of individual daring like in Patoda Budruk, district Latur were punished by social boycott. The study indicated that in 52 (or 54.73 per cent) villages, out of the total 95 villages surveyed, Dalits and the higher castes shared the same water sources, but in these villages too, the higher castes poured water into Dalit pots

¹⁴ Ibid

¹⁵ Daily Lokmat (Marathi version) dated. 16th March 2020

from a height, so as not to defile them and their water source. Such instances were a common practice in villages like Karhevadgaon and Kohoni¹⁶.

Another incident of elimination of *Dalits* due having assertion to raise voice against preference to take water on public hand pump 9th July 2003. Kalpana belonging to Matang caste she got quarrelled with Ayodhya (Maratha) in fight on the issue of quarrel between these two minor girls, Kalpana's mother Janabai (40), who was pregnant for the 10th time, rushed to save her husband Ankush Thorat and got axed by the Surashe side. Janabai succumbed to her wounds while being taken to the hospital at Kumbhar Pimpalgaon¹⁷.

At Sonna Khotta one Dadarao Dongare was killed on 14th July 2003 by the Marathas. Dadarao had a good political and economic set up in the village; he was elected as a member of village grampanchayat. he had ration shop and other property as well. Due to his political assertion he was a target of Marathas, hence, on very trifling issue of taking water on tanker by his daughter, he was axed brutally and killed. In addition to, there are several other incidents happened in Marathwada. While understanding the causes of rampant violation of humiliation of *Dalits* it seems that, '*Dalits* have never refused to conform and have remained antagonistic to the Hindutva forces in the realm of both politics and culture'.¹⁸ The modernity, development discourse has failed miserably to bring about any change in the life style of *Dalits* and mindset of caste Hindus both in the rural Marathwada.

Responses of State Agencies to the incidents of violation of Dalit Human Rights:

When we talk about the enforcement of the *Dalits* human rights, the role of government agencies bestowed with responsibility to enforce the statutory provisions of both Constitution of India and other statutes. As a response to the incident of Bhutegaon by police it was almost disgusting. Of late as of habit police came to the spot, on next day six perpetrators were arrested, after five days of incident thirteen accused were arrested, and ten days later main accused was arrested. It is extremely shameful and hateful that, a dying declaration which plays a vital role in bringing the accused at the door of guilt, is subjecting to material infirmities, as it does not contain the names of accused, as to who has set deceased on fire, though deceased had disclosed the names of accused. There were several eye witnesses to the incident, some of them were from the family of deceased but investigation officer did not record the statements of them.

In case of Murti incident police got registered FIR against both parties, therefore, 'according to the police, there is no caste issue in this incident, probably, the same can be said of any other incident'¹⁹. In case of Sona Hatta, the police had a good combination with Marathas. Police were openly supporting the story of Marathas.

¹⁶ Sukhdeo Thorat & Prashant Negi, Exclusion and Discrimination — Civil Rights Violations and Atrocities in Maharashtra, IIDS, New Delhi

¹⁷ See note 13 supra.

¹⁸ Guru, Gopal; EPW (July 261997) Page No. 1879

¹⁹ Violence Against Dalits in Marathwada-The Caste Cauldron of Maharashtra A Report by the fact finding Team Comprising Dr. Anand Teltumbde, Akram Siddiqui, Subodh More, Hashim Mohammad. On behalf of Committee for Protection of Democratic Rights, Mumbai

Political attitude and Dalit Human Rights:

Making of law and enforcement of law both are the main duties shouldered with by the government. The separation of power is positively expects that, law made by the government must be implemented, but in case of human rights of *Dalits* in Marathwada, this principle has been left unattended. The history of social and political movement in Marathwada would be incomplete if the struggle of *Dalits* for renaming the Marathwada University is avoided. This struggle was consistently continued for one and half decades, at the cost of sacrifice of lives, luxur, comforts of myriad of *Dalits*. But regrettably it is mentioned that, ‘after the Sena-BJP government came to power it announced the withdrawal of 900 cases that had been lodged under the 1989 SC/ST Anti Atrocity Act²⁰.

Sena-BJP alliance had a manifesto for election to nullify the SC/ST (Prevention of Atrocities) Act 1989, on this illegal, unconstitutional anti social assurance it got in power, therefore as of compliance, “government wants to crush the *Dalits* who are locked in agrarian contradictions with landed Marathas, particularly in the Marathwada region”²¹. This act of government is nothing but over enthusiasm, and apathy towards the dalits human rights. Though political party has power as per the bookish letter of Constitution but in practice, the Constitutional dictum is disobeyed wilfully, deliberately. Therefore, time has come to say by Dalits, that, though there may be a prevalence of Constitutional provisions *de jure* but *de facto* still *manusmriti* dominantly works. Due to mandate of Constitution of India, political parties are interested in keeping *Dalits* as tools with them for the sake of political gain. But in public or private sphere no adherence to the equality or human being is observed to be given. For instance,

“The study found that even Dalit representatives were discriminated like the village *Sarpanch* (head of the *Panchayat*) of Umerga village of Latur district and the women *Panchayat* members of Chinchola village, district Beed and Dongarshelki village, district Latur who were never invited to the *Panchayat* meetings and whose thumb impressions were taken from their respective homes without providing any explanations. In Talewadi village, district Majajgaon, the *Sarpanch* had appointed his own annual contractual labourer as Dalit representative on the *Panchayat*.”²²

As it is mentioned supra that, the SC/ST (Prevention of Atrocities) Act, 1989 was at the outset opposed by the members of ruling party, means since inception this Act has created apprehension in the minds of caste Hindus. Therefore, the Sena-BJP government went on record that is had issued orders to the police not file cases under this Act. (Anibhav, Marathi monthly, Mumbai, March 1996). Laws in general and special legislations in particular are made to deal particular anti-social incidents with a sincere urge to combat social evil. However, political power especially the ruling party namely Sena-BJP had gone to the extent to, ‘withdrawal of cases

²⁰ Guru, Gopal; EPW (July 261997) Page No. 1879

²¹ Guru, Gopal; EPW (July 261997) Page No. 1879

²² Sukhdeo Thorat & Prashant Negi, Exclusion and Discrimination — Civil Rights Violations and Atrocities in Maharashtra, IIDS, New Delhi

lodged under the 1989 SC/ST Anti Atrocity Act during the agitation over the renaming of Marathwada University after Ambedkar was the Sena-BJP government's first step to undermine the morale of Dalits.²³

Conclusion:

After seventy years of prevalence of the Constitution of India, cause of human rights of dalits is of most disgusting phenomenon in Marathwada region of Maharashtra. No doubt, the Constitution of India and other international instruments generated positive assertion to be human and sense of equality amongst dalits but total absence of positivity is absence in upper castes. It is vividly clear from the above discussion based upon the investigative study report and other source material available that, the virus of caste based inequality, which divides society as upper caste and lower caste is root cause of violation of human rights of *Dalits*. Ample provisions of statutes or the Constitution of India are made to safeguard the civil rights of *Dalits*, but to them no respect is found to be given by the upper caste Hindus, hence caste based violation of human rights has gone unabated. Therefore, in addition to strict implementation of laws, an endeavour ought to be made by the government for capacity building. Comprehensive programme need to be chalked out aiming at elimination of disabilities imposed upon *Dalits* by the caste system.

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²³ Ibid.

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