

## **STRUCTURAL VIOLENCE AGAINST DALITS, AND CONSTITUTIONAL SAFEGUARDS AND EMPOWERING WOMEN IN INDIA**

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### **Abstract**

*This article deals with "Structural Violence against Dalits, and constitutional safeguards and empowering women in India". Although nation-building aimed to create a unified society, social and cultural attitudes toward the caste system have become stronger in recent years. Despite India's diverse socio-economic culture and liberal economic and political conditions, criminal prosecution remains ineffective. Behind it is a cultural institution whose influence is stronger than rational and human thought. Laws and commissions should prevent abuses and promote the social integration of Dalit people. Although the effort failed, it attracted the attention of major victim support organizations. Structural Violence against Dalits, Various structures of violence against Dalits, The Constitution of India and the Rights of the Dalits, Repeal of the Civil Rights Act of 1955, Provisions of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, National Commission for Scheduled Castes and Scheduled Tribes, Constitutional and legal rights of empowering women in India, Legal Provisions for Women's Empowerment in India.*

### **Introduction**

Structural violence can be defined as organized efforts through legal or illegal means and covert or overt tactics to prevent individuals or communities from using facilities and services provided by powerful individuals or powerful institutions. Structural abuse is a practice that undermines the development of dependent individuals or communities, leaving them permanently isolated and dependent. Members of the ruling class enjoy social and economic benefits and always protect people with low incomes the violence continues.

### **Structural Violence against Dalits**

Violence against the Dalit can be seen as structural for the following reasons: Individuals commit violence out of personal hatred or anger but because of the socio-cultural upbringing of superior relations. This conflict is not due to the fault of individuals or groups but to the violation of clan rules. In other words, ethnic systems have corrupt social, political, cultural, and economic structures that allow or encourage collective violence.

### **Various structures of violence against Dalits**

Systematic efforts to exclude Dalits from society's social, political, economic, and cultural divisions have been systematically framed in Indian culture. I will list them one by one.

### **Cultural Structures of Violence**

In ancient societies, the behavior of family members was determined by the general belief that each group or group was independent and autonomous and that rules of conduct applied equally to all members.

Another unique system of ancient Indian society was the caste system, where members of a particular caste could not make moral decisions against their religion, hence the belief system - which was natural. Varna dharma binds all Varna members equally. Each family member is encouraged to do his duty; no one is given his responsibility. Heroes are not rewarded, but loss brings anger and resentment.

### **Social Structures of Violence**

As different cultures interacted in India, the various functions of Hindu society were integrated into a coherent system through a skeletal system. Others see the dance process as part of the social order and strengthening community through the division of skills and labor. He asked for cooperation to provide security to the citizens. But the division of labor in society, along with casteism, has destroyed the community in our culture; the worst thing is tribalism, which Ambedkar described as: "The most abominable thing in this culture is general ugliness, fear, and inhumanity." A rigid system is a hell because it divides people into different groups.

### **Religious Structures of Violence**

The sacred texts of Hinduism prove the divine origin of the caste system. This law strictly defines the division of labor in society and limits the forced substitution of work in the classroom. He served the morality of Varna Dharma Samaj.

Religious organizations harassed Dalits to prevent them from entering the temple. Today, lower cast members can visit the great temple, but the priest cannot perform rituals as the orthodox group portrays God as the protector of the untouchables.

In God's eyes, the definition of purity and impurity emphasizes purity and condemns impurity. An impure person who does not accept heaven has to be born in another life serving his master. On the contrary, saints enjoy God's blessings and the world's pleasures.

### **Economic Structures of Violence**

An economic system that prevents Dalits from owning land or property is a tribal way of exploiting poor labor. The trunk becomes a tool to be used. Traditional social standards require effort from the bottom. Bricklayers, thieves, and laborers lead a brutal life. Their wages are low, and they have no right to land or property in many parts of the country; Dalits are small farmers with little or no land, inheriting the division of labor in society prescribed by Buddhism.

### **Political Structures of Violence**

The political space available to SC/ST members in the Indian parliamentary system enables them to represent the people and fulfill their duties. Ensuring the political status of the evidence is an important part of the Constitution. This incident has heightened tension between elderly leaders and Dalit youth in many parts of India. Conservative and imperialist

cultures believe that the lower classes do not need to take up positions of responsibility; some believe that, when it is impossible, they mock and humiliate the Dalit, while others follow the rules and elect them directly. Manoranjan Mohanty demonstrates Dalit understanding of democracy; their self-proclaimed interest in politics, literature, and social activism was frowned upon, and these efforts often led to violent clashes between upper and lower castes in rural areas.

### **The Constitution of India and the Rights of the Dalits**

The Constitution of India guarantees equal conditions, opportunities, and freedoms to all citizens and protects all people from discrimination based on religion, sex, or gender. According to Article 46 of the National Constitution, special attention shall be paid to the education and economic development of various sections of society, especially classes, and castes. It shall be protected from all abuse, injustice, and exploitation. The Constitution of India upholds the fundamental principles and values enshrined in the Bill of Rights.

### **Repeal of the Civil Rights Act of 1955**

The Civil Rights Act of 1955 criminalized the promotion and practice of “untouchability” and exploitation of people with disabilities. From a legal point of view, “ordinary rights” are the rights a person enjoys after abrogating the “inalienable rights” mentioned in Article 17 of the Constitution. The important features are listed below.

- **In 1955, Section 3 of the Act**
- **Section 4 of the Act:** Punishment for “killing” any person in such circumstances as a social evil.
  - Access to shops, public restaurants, hotels, or places of general entertainment
  - Use of materials and other materials
  - Creation or acquisition of a company, business, or organization
  - to benefit an established charity
  - Using or using public transport
  - Use it for decorations and decorations
- **Section-5:** It is an offense to refuse to admit any person to a hospital, educational institution, educational institution, or residence or (b) to refuse to recognize such person “disrespectfully.”
- **Section 6:** Refusal to sell goods or services on terms offered to another person instead of “interest” in ordinary sale or exchange.
- **Section 7(1):** Covers any other discrimination punishable by law
  - “obscenity” means insulting or insulting a public official
  - And in 1989, the Act was amended to clarify each of the above provisions and penalize violations of the remaining provisions.

### **Procedure**

A person causing a disturbance may contact the local Superintendent of Police and conduct a preliminary investigation according to Art1955 Civil Rights Act, section 3-7.

### **Provisions of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989**

1989 In 1989, the Government of India enacted the Scheduled Tribes and Scheduled Tribes (Anti-Scheduled Communities) Act to deal with scheduled tribes and crimes against scheduled tribes. A decision was taken to set up a special criminal court. Establishes rules for maintenance and cleaning. The Act applies to the whole of India except the State and Union Territory of Jammu and Kashmir, which implements the Act based on a common scheme for implementing the provisions of the Act.

### **Powers and Functions of the State Government**

In case of emergency, the State Government, with the approval of the Chief Justice, shall constitute a court in each district to act as a special court for offenses under the Act.

- The state government appoints a public prosecutor in each private court.
- The Government has the right to impose collective sanctions
- Competent courts or law enforcement authorities may declare the affected area a crime zone and take necessary preventive measures to maintain public order.
- The State Government shall take necessary steps to implement this Act, such as:

### **National Commission for Scheduled Castes and Scheduled Tribes**

Scheduled Tribes and Commissioners of Scheduled Tribes are constitutional bodies under Article 338 of 1950. Considering the magnitude of the Scheduled Tribes and Scheduled Tribes problem, the Government of India decided to constitute a multi-member commission with constituent members. In 1990, Parliament passed an Act amending Article 338 of the Constitution of India to make the Government special, omnipotent, and unitary. (Sixth Amendment) This Act established the National Committee for Tribes and Tribes. March 12, 1992. Powers of the Constitutional Commission:

- It is necessary to review and evaluate all aspects of planned national defense projects and plans and assess the effectiveness of these defenses.
- A special commission to inquire into the rights and guarantees of common tribes
- Participation in the planning process for the social and economic development of tribal and scheduled tribes and assessment of the progress of central and state governments.
- It reports annually to the President on the implementation of these guarantees.

Besides the National Tribal Affairs Commission, the National Human Rights Commission and other executive bodies protect constitutional guarantees. Besides reviewing annual reports, Parliament and state legislatures often ask questions about abuses. The judiciary plays an important role in enforcing laws and regulations.

### **Constitutional and legal rights of empowering women in India**

#### **Introduction**

Legally, a woman is considered a woman after childhood and puberty, i.e., a woman is recognized after puberty. The Government of India has enacted many laws to ensure equal rights for women and protect their lives from various forms of violence and crimes. The Constitution of India lays down the fundamental rights and duties of citizens of India. All citizens of this country have equal rights and responsibilities. Yes, the Constitution of India

provides equality to all Indian women {Article 14 Section State against discrimination {Article 15(1)}, equal opportunity {Article 16}, and equal pay for similar work {Article 39(d)}. Also, follow specific state laws for women and children; {Article 15(3)}, Dignity of Women {Article 51(A) (D)} Government only regulates work, human rights, and reproductive protection {Article 42}.

### **Education and Women Empowerment**

Social research has two important roles; one is about the preservation and propagation of social values, and the other is about the emergence or transformation of new values during this period. Both roles have a unique potential to empower women. These two roles are opposite, but the truth is that they should be equal and create a balance between them that contributes to human development. As education is the most effective tool for entry and change, women can effectively empower women. A strong primary education system is needed for justice, discipline, and self-reliance. Women's education is still very low regarding "quality" and "quantity." If we want to create an environment that empowers women, they should not be in academic positions but in critical situations.

### **Constitutional and Legal Provisions for Women**

The principle of equality is enshrined in the Preamble, Fundamental Rights, Duties, and Fundamental Principles of the Constitution of India. The Constitution not only gives equal rights to women but also allows the Government to take affirmative action against women. In a democratic democracy, our laws, policies, development plans, and programs are designed to empower women in many ways. It is important to note that India has ratified several international human rights treaties and instruments that ensure equal rights for women, including the 1993 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

### **Economic, Social, and Cultural Rights of Women**

Only in India did the Movement for Women's Economic, Social, and Cultural Rights (ESCR) become a true economic right. The movement seeks to integrate women's rights into a broader human rights framework, moving women's issues away from abuse and reproductive rights. ESCR is committed to protecting women, poverty, housing, unemployment, education, water, food, business, and more the international human rights movement is often synonymous with ESCR rights around the world

### **Legal Provisions for Women's Empowerment in India**

#### **INTRODUCTION**

In ancient India, women enjoyed equal status with men. Strict literature suggests the freedom of older married women to choose their husbands. Early Vedic period, about 500 BC Road, Women had equal status and rights before Christ. As Islam, the Mughal Empire, and Christianity attacked Babur, the women began to deteriorate, and their freedom and rights diminished. Although reform movements such as Jainism have allowed women to join



religious orders, women in India still face restrictions and restrictions. The practice of child marriage started in the 6th century.

The Bhakti movement sought to restore the status of women and opposed oppression. Practices like sati, Jawahar, and devadasi were banned in some circles and disappeared in modern India. However, examples of such approaches can be found in other communities living in remote areas of India; Indian women ready to wear purdah, although now banned under Indian law, child marriage is still prevalent in rural areas.

During the British Revolution, reformers like Rammohan Roy, Ishwar Chandra Vidyasagar, and Jayatro Phule fought to uplift women. In 1917, the first woman representative met the Secretary of State and called for women's rights with the help of the Indian National Congress. In 1927 the All India Women's Education Council was formed. It became an important institution of the revolutionary social movement.

In 1929, the Child Marriage Prevention Act came into force, setting the minimum age for girls at fourteen. Mahatma Gandhi married at thirteen, after which he encouraged boys to stay away from marriage and young men to marry widows.

Women in India today work full-time in education, sports, politics, media, arts and culture, services, science and technology, etc.

The Constitution of India not only ensures equality for women but empowers the Government to take effective measures in favor of women to prevent economic, educational, and political integration. Universal fundamental rights, equality before the law, and equality before the law; it prohibits discrimination against citizens based on religion, skin color, color, sex, or place of birth and guarantees equal employment opportunities to all citizens. Sections 14, 15, 15, Chapter Three, 16, 39, Law. a), 39, let b), 39, let c), and 42 of the Constitution are applicable in this case.

### **Laws related to women are classified under two major categories:-**

#### **A. Indian Penal Code**

Offense (Section 376 of the Penal Code): This offense is punishable with imprisonment for a minimum term of seven years and imprisonment for life.

Kidnapping and Kidnapping for Other Purposes (Sections 363-373): If a person abducts a minor for prostitution or illicit sexual intercourse, he shall be imprisoned for a term that may extend to 10 years. And he was punished.

Matrimonial, Feticide, or Attempted Homicide (IPC Section 302/304-B): When a spouse dies within seven years of marriage or from unnatural causes due to burns or bodily injury. There is also evidence that she was molested or tortured by her husband's relatives before her death. This death is known as "monthly death." Sexual harassment carries a jail term of up to seven years.

- **Torture, both mental and physical (Sec. 498-AN IPC)**
- **Molestation (Sec. 354 IPC)**
- **Sexual Harassment (Sec. 509 IPC)**

#### **B. Special Laws**

Not all laws are gender-specific, and regulations that significantly impact women are regularly reviewed and reflect changing needs. Here are some rules that have specific provisions to protect women and their interests:

- **The Dowry Prohibition Act 1961**
- **The Immoral Traffic (Suppression) Act (SITA) (1956)**
- **The Protection of Women from Domestic Violence Act 2005**
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013,**
- **The Family Courts Act, 1954**

### **The Special Marriage Act, 1954**

The Parliament of India has enacted a law that allows all Indian citizens living abroad and people of India to enjoy a special marriage system irrespective of their religion or belief in their country. This law stems from a rule in the late 19th century.

The Special Marriage Act of 1954 replaced the earlier one of 1872. The New Testament has three main purposes:

- Sometimes there is a wedding ceremony
- Regulation of registration of certain marriages a.
- Divorce

### **The Marriage Laws (Amendment) Bill, 2010**

In 2012, Parliament 1955 amended the Hindu Marriage Act 1954 and the Special Marriage Act. In section 13-B of the Act, for the words "work," the words "not less than six months" have been substituted.

The addition of Section 13D gives additional protection to the wife, allowing her to challenge the decision on the grounds that the divorce will cause her substantial financial hardship and is illegal in any event married.

New section 13E restricts divorce to dependent children unless the divorce is granted under section 13C and there is adequate provision to support illegitimate children. Otherwise, the financial capacity of the contracting parties

### **The Maternity Benefit Act, 1961 (Amended in 1995) Section 8 of the Act reads as follows after April 2, 2008**

Conditions of sick leave (1) for maternity leave under this Act every woman shall pay from her employer Rs.

By notification in the Gazette, the Government may increase the amount of health insurance premium up to Rs.20 000 every three years.

**The Medical Termination of Pregnancy (MTP) Act** was in 1971 to reduce illegal abortions, maternal mortality, and related morbidity. 1972 the DTO Act came into force on April 1 and was partially amended in 1975 and 2002.

Pregnancy up to the 12th week can only be terminated in good faith if the pregnancy is over 12 weeks and less than 20 weeks; two doctor visits are required to complete the

pregnancy. The law clearly defines who has the right to terminate a pregnancy and where, under what circumstances, the pregnancy cannot be achieved. Here are some of those comments:

- Women whose pregnancy adversely affects their physical and mental health
- And until the birth of a disabled woman or a disabled child
- Rape
- Pregnancy of unmarried girls under 18 with parental consent
- Incubation with the permission of a legal representative
- Without pregnancy

### **Equal Remuneration Act 1976**

Equal pay for men and women and prevention of discrimination against women in occupations and related fields

In addition to the above legal and constitutional provisions, the Government of India has taken special measures for the protection and empowerment of women:

- The National Commission for Women is a government agency of the Government of India that advises the Government on all policy issues primarily related to women. It was established in 1992. As per the provisions of the Constitution of India since January 1990.
- Working with Women in Municipal Government: Constitutional Reform Council 1992. No. 73, which guarantees women one-third of elected seats in rural and urban areas
- National Action Plan for Girls 1991-2000 is an action plan specifically designed by the Government of India for the protection and empowerment of girls to prevent violence against women and children, eliminate gender discrimination, provide clean water and food to their communities, empower girls and protect them from exploitation, abuse, and violence. Strategy is the goal.
- National Women Empowerment Policy, 2001: The Ministry of Women and Children and the Ministry of Human Resource Development formulated the National Women Empowerment Policy 2001 for women's promotion, development, and empowerment. The policy is widely publicized to encourage the active participation of all stakeholders in achieving its objectives.

### **Summary**

We don't need harsh punishments; Demanding Appropriate Punishment. Many criminals are prosecuted illegally or belatedly but break the law. It means that the problem of the education system is in the hands of the police, courts, and administration. The functioning of these important institutions should be simple, efficient, and controlled. Social movements, including civil rights and Dalit groups, should be actively involved in the implementation process, as they are the most effective constitutional safeguards and countermeasures. In recent years, the media has turned its back on human rights activists. Government agencies and the media should monitor the work of government agencies to protect children and prevent abuse.





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