

# Role of Dalit Women in Public Policy

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## ABSTRACT

Public policy is the cornerstone of the welfare state, through which it provides many facilities to its citizens. At present, there are many such sections in the society who are still deprived of such facilities, in such a situation many schemes are implemented for them by the governments, so that they can be brought into the mainstream of the society. Dalit women are also included in such sections for whose development the government is continuously making efforts. Dalit women are becoming aware of their rights, there has been an increase in the participation of Dalit women in all social, political and economic fields.

**Key Words :** Public, Policy, women, Dalit, governance

## III. INTRODUCTION

Women constitute nearly half of the total population. According to the latest available reports, 49.7 per cent of the world populations are women. The male- female proportion of the population would be 49:51 if gender selective abortions and deaths due to neglect of female infants do not occur. They have been the most suppressed and exploited sections of society. The atrocities against women in India are endless and showing alarming rise. It is said that "every 26 minutes a woman is molested. Every 34 minutes a rape takes place. Every 42 minutes and incident of sexual harassment occurs. Every 93 minutes a woman is burnt alive for dowry,"

**Mita kapur says,** "Women are victims of physical, mental, sexual and emotional abuse regardless of their education and economic status." This is attributed to dictatorial patriarchal system and difference of gender in all spheres of life. In public life women constitute a numerical minority and available research on women testifies this.

**As Urmila Yadav rightly pointed out that** "gender difference and discrimination can be seen in all spheres of life, i.e., social, economic and political." She further said that "in politics women in general play submissive and marginal role'. Similar is the opinion of Jain who says, "Only a small minority of women holds the elected office.

History is a projection of realities from the historians' lens and parameters. The popularity and acceptance of historical accounts depend much on hegemonic structures and knowledge. The Dalit community was marginalized within the mainstream Indian economic, social, and political history. Gradually, with the rise of Dalit consciousness, the better-positioned gender (men) of the community tried to express its vulnerabilities from a masculinist perspective. The literature that was being written, could merely project women as extensions of male protagonists. Even though the trauma that Dalit women went through for bearing intersectional realities were different from that of men, they could not find a place as complete entities in themselves in early literature on caste. The trade union movements also missed acknowledging the issues of Dalit women laborers as unique. To this day, the issues of Dalit women's property rights, longevity, education, and empowerment are largely androcentric, as the state's schemes and policies are majorly heteronormative and male centric. The objective of the paper is to invoke this history, to reiterate the assertion that the present condition of Dalit women has its roots in the past while their issues and voices continue to remain on the margins to this day despite the social experiences they carry and represent. The reality of most Dalit women has not changed much even in the urban areas.

## II. OBJECTIVES

The focus of this study has been developed based on the following specific objectives:

- To identify their perception of social inclusion and exclusion.
- To identify the scope to reduce inequality and marginalization of Dalit woman.
- To provide a strategic direction for future development interventions to empower Dalit women.
- To generate recommendations for possible advocacy opportunities for Dalit women's issues.

## III. WHAT PUBLIC POLICY IS?

The concept of 'policy' cannot be objectively defined. Among other definitions, policy can be denoted as

- a declaration of goals for common action,
- a set of rules for guidance and
- a statement by government of what it intends to do.

Although a public policy is made by a government in response to public's problem and demand, it may be implemented by public or private actors or both. Public policy is ultimately made by the government even if the ideas or opinions come from the private actors or through the interaction between government and non-governmental forces. Judicial decisions also do matter in the formation or implementation of a public policy. For example, the Supreme Court (India) on 19 April 2016 pulled up the state governments for their failure to prevent unauthorized construction of shrines on public land. The bench said, 'None of the states are doing anything to comply with the SC's directions. God never intended to obstruct footpaths and pavements or encroach upon public land. Persons building religious structures on public land and footpaths are insulting god. The court had on 13 September 2011 said it had undertaken the exercise primarily to ensure that henceforth no public land, public park or public street is encroached for constructing religious structures'. "There is thrust to designate policy as the 'outputs' of the political system. **David Easton defines** public policy as 'the authoritative allocation of values for the whole society.'"

The magnitude of the problem can be visualized from other definitions which are offered: Dye, a leading scholar of public policy, observes, 'Public policy is whatever governments choose to do or not to do!'. Similarly, Robert Lineberry says that 'it is what governments do and fail to do-to and for their citizens'."

To Schneider and Ingram, 'Policies are revealed through texts, practices, symbols, and discourses that define and deliver values including goods and services as well as regulations, income, status, and other positively or negatively valued attributes.' This definition means that policies are not just contained in laws and regulations, but they continue to be made as the implementers make decisions about who will benefit from policies.

**Parsons regards** policy as 'an attempt to define and structure a rational basis for action or inaction.

**Anderson describes** public policy as 'a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern.' "Taken as a whole, a policy may be defined as a purposive course of action taken or adopted by those in power in pursuit of certain goals. Perceptibly, the term public policy includes government activity. Public policy consists of political decisions for implementing programs to achieve societal goals' At a minimum, **Peters observes**, 'Stated most simply, public policy is the sum of government activities, whether acting directly or through agents, as it has an influence on the life of citizens.

## IV. MAJOR DALIT WOMEN VOICES AND ISSUES IN THE HISTORY OF INDIA

Where there have been cracks in systems of oppression, Dalit women, as with other oppressed groups, have spoken of their struggles and cries for justice in their narrations for centuries. A student of social sciences must be perceptible to such voices. So, here we are going to discuss the voices of Dalit women within the history of South Asia. The word 'Dalit' carries some interchangeable meanings. The earliest surviving text in which there is a mention of the division of society into four varnas—Brahmins, Kshatriyas, Vaisyas, and Sudra—is Rigveda. In the historical process of categorization, the Sudras are also known as Dalits, untouchables, and Scheduled castes. There was no separate category for women within the four varna, but women were considered less privileged. In the rituals of everyday life of educated people, Sudra women were always discarded. The idea of purity and the punishment for touching a Dalit woman was prevalent in society. A dvija (twice-born) was never

supposed to see or be in the presence of a Sudra woman. If one sees a Sudra woman, one must suspend his Vedic recitations. Thus, history becomes more discriminatory for a Dalit woman and it excludes her.

## **V. DALIT WOMEN'S VOICES IN MODERN INDIA**

The project of modernity was also seen as a project of liberation for women. The advent of modern education during the colonial period created a class that was very sympathetic towards the discrimination of women within the caste society. India adopted her Constitution on 26 January 1950 and provided a universal franchise to her citizens. This was the first step towards a political just society. The upper strata of the society dominated the initial decades of free India. The scene changed after some peripheral groups entered into electoral politics. The peripheral groups included the groups that were kept at the margins of the society like the lower and middle caste groups. By the late 1970s, there was increased participation of politicians from the lower social strata, with less or more vernacular education, whose political imaginations and practical preoccupations were very different from the upper-middle-class politicians due to their circumstances and experiences. They not only changed the course of politics at the regional level but also at the state and national level. The legacy of Dr. Bhimrao Ambedkar and their pursuit of social justice created a 'Dalit Public'. Dalit women are playing a big role as voters and contestants in elections. They can voice their concerns in the parliament and state assemblies. The life of Mayawati—the four-time chief minister of the largest state of India, Uttar Pradesh—is a testimony to Dalit women's empowerment. Mayawati's rise to power, her assertions, and social engineering to gain political representation have to be acknowledged and commended; at the same time, however, one needs to be aware of mere symbolism and iconography. A few exceptional cases like Mayawati and some other Dalit women leaders like Krishna Tirath, Shailaja, and Meera Kumar should not be seen as representative of Dalit women's realities in the Indian society as women's leadership in general and Dalit women's leadership, in particular, do not get politicocultural acceptance and hence the contentious demand of quota within quota (according to the caste categories) for women's reservation in the Indian Parliament. In the Panchayati Raj institutions, a certain number of seats are reserved for women. These reserved seats for women are also allotted to Dalit women. Through this, they find a space to voice Dalit women's oppressive condition, even as they continue to bear the brunt for voicing their opinions as rape and sexual violence remains prevalent even for those Dalit women who have gained some political representation.

## **VI. POLICY ISSUES**

Disaggregate all criminal, economic, social and political data on the grounds of gender and caste. Evolve and implement a comprehensive strategy to address impunity and ensure criminal justice for Dalit women. Grant powers to make legally binding recommendations to relevant National human Rights institutions to establish an independent complaints and monitoring mechanism to address the discrimination and violence against Dalit women. Enact domestic violence (prevention and protection) laws that acknowledge the unique vulnerability of Dalit women, allocate adequate resources and ensure a comprehensive monitoring with representation of Dalit women for effective implementation of these laws. Provide support to establish informal organizations for Dalit women to freely discuss the social, domestic and development issues in their own community and to strengthen leadership within local governance structures. Mandate proportional representation of Dalit women elected into parliaments, legislatures and local governance systems, including equal distribution of other minority groups, such as Joginis / Badis (India/Nepal) irrespective of their faith, and providing adequate budget allocations in this regard. Denudation

## **VII. SC/ST ACT 1989**

Action points for better enforcement of Scheduled Castes and Scheduled Tribes Act

Machinery of effectively enforce provisions of Scheduled Castes & Scheduled Tribes (Preventions of Atrocities) Act 1989 would need to be made more stringent at grassroots level i.e. Police Stations by creating a separate cell to be manned by SC/ST officials for dealing with such cases. Section 4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989, which relates to 'Punishment for neglect of duties' needs to be amended to include public servants belonging to SCs & STs.

Not more than 10% cases registered under the Protection of Civil Rights Act 1995 end in conviction in the lower courts, which questions the fairness on the part of investigations, trial and judicial decisions. There is hardly any instance where State Govts have filed any appeal before the High Courts against a decision of the lower courts on PCR Act cases. There should be proper directions to the States to review all such cases to find out why an appeal against the judgments of the lower courts could not be filed in High Courts/Supreme Court.

Though there are special cells for investigation of cases registered under SC/ST atrocity act in certain states including Rajasthan, headed by Additional Director General of Police, they are ineffective because they have only inquiring and supervising authority. They have no authority to charge sheet the case in the court of law. The government of India provides 50% expenditure for maintaining this special enquiry cell an 50% share of expenditures expected to be borne by the state governments but the state governments do not take much interest in strengthening this department. It is recommended that 100% expenditure on the enforcement of SC/ST Act from police station level to court level should be borne by the government of India. For fighting cases of the SC/STs, free legal aid has been introduced. This has however, been reduced to a mere formality resulting in SC/ST people continuing to languish in jail as under trails for long without even being prosecuted and sentenced. No one comes forward to get him released on bail even in petty offences.

## **VIII. CENTRAL LEVEL RECOMMENDATIONS**

Ensure enabling environment for minority women to access formal justice by identifying and breaking the barriers that minority women face while accessing justice. Ensure Law enforcement agencies and other state mechanisms bureaucrats, welfare departments, medical and Para medical agencies, local bodies are sensitized for effectively addressing the grievances of the minority women and her community. Where officials fail to undertake their duty to protect and assist minority women without discrimination, they must be held accountable for their actions Conduct Fact- finding and research to understand the violence and its underlying root causes and implement policies and programmers to address the root causes. Ensure that Dalit and other minority women who report violence are protected from retaliation and prevent renewed violence against them including social boycotts and restrictions against dalit women and the community.

## **IX. STATE LEVEL RECOMMENDATIONS**

### **A. SC Commission**

The N/SHRIS can play a major role by strictly recommending filling cases under SC/ST POA Act by ensuring all the provisions and Rules are adhered fully. The National SC commission can suspend SP/DSP in cases that show a clear violation of the rights of Dalit Net provides this provision and, it must be urgently used. The State Human Rights Institutions have to be supported by professional legal experts. The commission should also take preventive measures by spreading information about the SC/ST Act and associated legal services. There should be an amendment to the SC/ST Act, to provide for the protection of the witness-victim. There is also an urgent need to review the SC/ST (KM) act so as to get rid of the existing loopholes in the same a as the creation of new offences and including them within the purview of the Act as in the case of Dalit Christians. Undertake a gender audit of the implementation of the SC/ST (PGA) urgently so as to ensure that Dalit women able to make use of it more effectively. The existing Act does not apply to new forms of violence and discrimination in the healthcare system. This should urgently looked into.

### **B. Criminal Justice System**

The criminal justice system has to be urgently brought under some kind of monitoring so as to redress its utter in the case of Dalit women. Criminal cases should be filed against officers who tamper with evidence, protect criminals and work to support criminals, The sections of 4 in the SC/ST(POA) and 166 A should be used in the cases of negligence by the police. The DySP should be a woman who deals with the case of violence against Dalit women. Along with the above, right from their training in the Police academy there should be provisions to sensitize officers to the SC/ST (POA) Act, and other such issues related to the Dalit community and specifically to Dalit women.

### **C. Aid or Assistance**

There should be information dissemination about the SC/ ST (POA) Act and the existing legal services available Dalit women. Existing provisions to provide lawyers to Dalit women has to be put into practice. Respective State Legal services authorities have to be pressurized. In the case of atrocities, a lawyer has to accompany the victims from the very day of the case. Legal services authorities should be appointed in every block as it has been done in some states. There should be some way in which we take the new laws after December 2012 is disseminated among the community. Free legal service should be made available and provided by the legal services Authority/State District/Taluk a case of sexual valences are registered in a police station Medical Issues There should be strong vigilance on the medical establishments and doctors and other medical practitioner. State and Private, should be should be made accountable Violence Against Dalit Women Medical Council of India should be involved in this monitoring License to practice should be taken away in case of medical negligence, malpractice and destruction of evident in the case of atrocities against Dalit women. Interim medical assistance should be provided to the victims of atrocities. With collaborative medical evidence

the case can be strengthened and it should be ensured that this is effectively produced. The 'two-finger test' should be strictly prevented from being used on the victims of sexual violence. Victims should also NOT be identified as "habituated to sexual intercourse" on the basis of the two-finger test.

## **X. STRENGTHENING DALIT WOMEN IN LOCAL GOVERNANCE**

Panchayat Raj ministry has to be communicated with regard to the caste atrocities on Panchayat Raj members. Panchayat Raj ministry has to be involved in the responsibility of providing for the safety and security of Dalit panch, members and sarpanches. Women Sarpanchs are often attacked both for being Dalit and for the role that many of them play in resisting caste structures. Therefore they need to be given special protection that will help them conduct their duty in a safe and free manner.

Land redistribution should be carried out to do away with the glaring inequalities between dominant and Dalit communities. There should be provisions in the Land bill to give land rights to Dalit women. Supporting resistance Dalit women human rights defenders (WHRDs) are increasingly coming under attack and violence in the case Dalit community and especially Dalit women and the National Human Rights Commission should take up all such suo motto. Finally, we also feel that, as the Human Rights of the Dalit women can only be addressed from within an understanding of the intersection of caste and gender, there should be a way in which the SC commission, the Women's commission and the Human Rights Commission should meet together and come up with concrete measures and directions concerning the constant, horrific and unrelenting violence against Dalit women and their brave attempts to resist it.

## **XI. DISTRICT LEVEL RECOMMENDATIONS**

Recognize Dalit women as a distinct social group rather than subsuming them under the general women or Dalit category, and accordingly evolve and implement a specific focus and activities on Dalit women's rights within the broader framework of the Dalit and women's empowerment agenda. Ensure full and strict implementation of laws in place to protect Dalit women's rights and implement measures to ensure the abolition of "untouchability" practices<sup>11</sup>, and implement strict sanctions against anyone preventing or discouraging victims from reporting incidents of violence or accessing the criminal justice system, including police and other law enforcement officers. Ensure the implementation of national penal codes in its jurisdiction, and that law enforcement officials, judges, lawyers, social workers and medical professionals are duly trained on the serious and criminal nature of domestic violence; Evolve a national perspective plan aimed at specifically accelerating efforts to reduce the development gap between Dalit women and the rest of the population within fixed time-bound targets. Introduce affirmative action policies to increase Dalit women's participation in the police, judiciary, legal professions and education. Produce and disseminate disaggregated data on the status of Dalit women, particularly in government plans and development programmes. With an effective implementation and enforcement of laws, the government should also address attitudes and prejudices that lead to violence and foster the culture of impunity. They should conduct public campaigns to promote equality and challenge discrimination for example through schools and the media. Initiate processes to challenge discrimination based on caste and gender by encouraging dialogue and sensitisation of non Dalit communities and men. The government should identify caste gender conflict prone areas and provide additional resources to address underlying issues in these areas.

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