

National Human Rights Commission  
Sardar Patel Bhavan, New Delhi.

3-4-11-01/VE/UA&-L

Tamil Nadu

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**Report on the visit of the Hon'ble Member (Dr. KRSJ) to the State of Tamil Nadu from 3<sup>rd</sup> to 4<sup>th</sup> November, 2001.**

On 3<sup>rd</sup> November, 2001, at about 4.30 p.m., I had reached Erode, district Coimbatore, Tamil Nadu. At 5.30 p.m., I addressed the Valedictory function of the Conference organised by People's Union for Civil Liberties - Tamil Nadu and Pondicherry, on the Human Rights of the Dalits and Adivasis. During the day long programme on legal measures for protection, the land struggle of the Adivasis, organisation of support for the oppressed people, was discussed by the participants. In the valedictory function, I had stated that the acute 21<sup>st</sup> century problem which Indian democracy is to face and solve, is 'casteism'. There is a clash of war between constitutionalism and the caste-based discrimination in the hierarchical social structure. Unless unity among the people and fraternity in the society is made a base, stability in social democracy and the functional efficacy of the democratic institutions would be at stake. Casteism and hierarchical caste hegemony pose a threat to the unity of the country. The failure to tackle it erodes social harmony and the people further are disintegrated and the society gets divided and fragmented. Therefore, the problem of casteism becomes a central issue, seeking solution.

The quintessence of human rights is the dignity of the individual and equality of the status which the international conventions and UDHR aim to protect. Elimination of All Forms of Discrimination Convention aims to tackle intolerance and discrimination among groups of people in the society nationally and internationally; in other words, leading to formation of a 'world family' assuring that all are integral part of humanity. Therefore, the presumed superiority of some and inferiority of others is antithesis to the human rights regime. The Constitution of India wisely demarcated the Fundamental Rights and Directive Principles in parts III and IV incorporated with pragmatism the entire human rights regime to make the life of every citizen meaningful with dignity of the individual and equality of status with human rights elaborated in the Preamble of the Constitution as a promise made by "We, the people of India" ourselves. Therefore, it is but the fundamental duty of every citizen to respect the dignity of other individuals and equality of status and treat them as equal citizens. Unfortunately, even after 54 years of Independence and 52 years of the working of the Constitution, instead of eradicating casteism, caste-based discrimination and intolerance, every day they are being perpetrated and the Dalits and Adivasis have become the victims of the atrocities of the caste-based discrimination and casteism.

Though the Constitution prohibited untouchability and its practice in any form was declared a constitutional crime, in other words, "crime against humanity", backed up by Civil Rights (Protection) Act and SC/ST (Prevention of Atrocities) Act,

implementation in the true spirit became ineffectual. As a result, the Dalits and Adivasis are getting disillusioned in the efficacy of law. In the Durban Conference held in South Africa during September-October, 2001, the N.H.R.C. has taken a principled stand that it is against discrimination in any form, be it caste-based discrimination or casteism. When Dalits and Adivasis are discriminated, it is a violation of their human rights and that the N.H.R.C. pledged to work in cooperation with human right activists, civil society and the governmental agencies for their protection.

Dalits and Adivasis would not be under the impression that every other segment is against the Dalits and Adivasis. Even among the forward sections of the society, many people are deeply interested in the protection and promotion of the human rights of the Dalits and Adivasis. PUCL consisted of people from different sections, is an example which has been working for the protection of the human rights of the Dalits and Adivasis. Therefore, caste-based discrimination and casteism could be eradicated with the cooperation and concerted action of all the public spirited persons, human right activists in collaboration with the N.H.R.C. and State Human Rights Commissions. The N.H.R.C. has always been in the forefront to protect the human rights of all the people, in particular, the weaker segments of the society and especially the Dalits and Adivasis.

The Police are responsible for the enforcement of the law and order, peace and public order. But they act in violation of the law. Custodial deaths and rape of women in custody, are the heinous forms of cruelty and atrocities inflicted by the Police who are supposed to be the protectors of law. Sensitization of them by orientation courses on the Human Rights of the victims' right from Constable to the State level officers, is imperative and the State Government and its Academies should regularly conduct orientation courses for them. It is not the lacunae in law that enable the offenders escape, but lack of will on the part of the law enforcing authorities and the non-cooperation of the public which is largely responsible for the malaise. Therefore, the public should be enlightened and cooperation of all be elicited. It can be possible only when the Police sincerely enforced law and wins the confidence of the people and the victims in particular that the Police are really their protectors. This should be shown by their conduct.

The major thrust should be in dissemination of the human rights education, human rights culture and inculcating the spirit among the people. It would be possible only when human rights education is taught to the children as a part of the curriculum right from the elementary stage up to the university education as well as adult education of human rights, human rights culture and human rights spirit to the adults through a systematic campaign by the State as well as by the media. Media, print as well as electronic, can play a major role in this campaign and their concerted action in tandem with the human rights activists, would give a major thrust for the success of the protection of the human rights of the Dalits, Adivasis and other weaker sections of the society.

After the meeting was over, I requested Smt. P. Sivakami, IAS, Secretary, Adi-Dravidar and Tribal Welfare Department, Govt. of Tamil Nadu, who was one of the participants in the meeting, to come to the Guest House for discussion on the bonded

labour and child labour. Accordingly, she had come to the Guest House. There, we had a detailed discussion on the programme of bonded and child labour and implementation thereof. She apprised me that she had already organised a regional meeting scheduled to be held on the 20<sup>th</sup> and 21<sup>st</sup> of this month with the District Collectors in one region. I told her that sensitization of the District Collectors and Superintendents of Police is necessary to make the programme an effective tool to eradicate the bonded labour and child labour system. She had promised to organise the meeting in accordance with the convenience of the Commission to facilitate its participation. She had informed me that the Chief Minister of the State has also expressed his interest in the programme and instructed her to carry it out regularly. A date would be fixed in consultation with her so that I can go to Tamil Nadu along with Shri K.R. Venugopal, Special Rapporteur, if he returns from abroad by then, or Shri Chaman Lal, for participation in a workshop to be organised by the Secretary.

*[Handwritten Signature]*  
( Dr. Justice K. Ramaswamy )  
Member

Hon'ble Chairman

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