

# HUMAN RIGHT ISSUE OF DALITS: A CRITICAL REVIEW

## Abstract

After the United Nations followed the "Universal Declaration of Human Rights" on December 10th, 1948, human rights have become a subject of dialogue across the world. The Universal Declaration of Human Rights seventy-fifth anniversary of adoption is being honored this year. This paper presentation attempts to in the brief study the connection among Dalits and Human Rights, especially in post-independence India. A short record of the Dalits' transition from untouchability to scheduled castes in India is likewise included. The paper discusses the position of human right holders and actors responsible for advancing and enforcing human rights (governments and non-governmental organizations).

**Keywords:** Dalit, Human right, caste, Scheduled caste

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## I. INTRODUCTION

There are numerous difficulties in defining the caste system. The enormous literature generated on caste system has created more doubts than clarifications. The source of confusion is the application of different perspective to the analysis of caste system. Barth (1960) and Berreman (1967) emphasize that caste is structural phenomenon as it reflects upon the general principle of stratification with somewhat different manifestation and functioning than other forms of stratification. Other Dumont (1970) and Leach (1960) consider caste as cultural system represented through the prominence of certain ideas found particularly in India. Baily (1963) argues that caste is 'closed system' of stratification, hence organic nature, whereas Beteille (1967) takes stand that caste system is becoming 'Segmentary' because of the emergence of differentiated structures in the countryside. Besides these controversies there are some 'Conjectural Theories' about its origin, and scholars hold certain 'value-biases' about the system.

The brahminical foundations of the caste system have received a lot of attention. It is obvious that the entire caste system, as it has been passed down to us, has Brahmanical roots. Therefore, the priests were the principal defenders of the caste system. They fervently applied the exclusion/inclusion paradigm to raise their social position. Due to the diversification of caste, employment, and ceremonial structure brought about by such a process of exclusion and inclusion, caste is today perceived as a dictatorial system.

The British government gave certain groups higher ranks, granted them titles and land, etc., in order to maintain the system's distorting continuity rather than trying to stop it. The conditions were not being challenged by the mobility movement, which was particularly weak among the lowest castes. The ideas of fairness, equality, and the dignity of work were never a part of the system. The persistence of caste system was never discouraged by the British in India.

Caste has always been a dynamic system. Its continuity from times immemorial is a conclusive proof of its flexibility and adaptability. If we accept this view, we should consider caste as a "processual" system of social relation. The system was attacked in the past, and was restored when it marched towards, ruination. It has been a double consequences system throughout its history. Whenever dominance of certain '*Jatis*' was attacked, other '*Jatis*' (lower ones) were elevated. Those who were attacked not dropped and those who were elevated remained within the system. Thus, we should study both processes of mobility upward and downward.

The various Scheduled Castes were traditionally given different positions in the overall ritual and social hierarchy of the caste system because of their historically varying social and economic standings, Unlike the Scheduled Castes, who were somewhat involved in social organization; it is feasible to think of these castes as not being a part of village society. However, contact with anyone or anything that belonged to a Caste Hindu was generally avoided.

As a result, castes were divided into groups according to how distant they were from the pure castes. Discrimination on the basis of caste, which governs a daily life of Dalits, can be seen in practices like separate drinking water wells, segregated housing colonies, separate burial grounds, segregated places of worship, separate seating for children during lunch at

school, refusal to accept food from scheduled caste cooks during lunch at schools, prohibition on dressing like others, inter-caste consuming food bans, and others.

The failure of the Indian state and its instruments to address issues that arose during the process of socioeconomic change has led to rising expectations on the one hand and a growing awareness of the exploitation and indignity in social relations on the other in a society where adult suffrage, equality of opportunity, and status are among the similar goals outlined in our constitution. Strong resentment that manifests as violence as a result of such a mixture is inevitable. Violence is likely to continue and even worsen unless these flaws are fixed and steps are taken to build a society that is truly just and free from exploitation.

Both the Sanskrit and Hebrew roots of the word "dalit" mean "broken" and "downtrodden," which accurately depict the results of oppression. In a broader sense, the term "Dalits" would refer to all oppressed people, also known as "Harijan," "Scheduled castes," or "untouchables".

The oppressive system that is peculiar to India is typified by the treatment of the Dalits, a group of people who have collectively endured poverty for a very long time. They make up the majority of India's poor and disadvantaged people. They continue to be denied a distinct social identity, as well as respect and prestige. The Dalits come from the ascriptive, deep core of poverty. They've been treated like outcasts, labeled ritually unclean, making them untouchables, and driven out of villages to dwell on the periphery due to pollution, making them isolated.

## **II. HUMAN RIGHTS OF DALIT**

Natural law holds that because a person is human, they are entitled to certain rights. No matter the citizen's country, they refer to those rights that are regarded to be available to all people. Place of residence, status, ethnicity, gender, or other factors. They combine certain civil rights with a modified version of what were once referred to as "natural rights." These are "clearly prescriptive pronouncements that command wide support among member-nations (or their governments) and which they were prepared to abide by, not as principles by which their policies were to be commanded, but as general ambitions, and common criteria of achievement.

In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights. On the initiative of the UN commission on human rights, the Declaration was written over the course of two years by participants from different racial and political backgrounds. India fulfilled its duty to uphold the notion of global brotherhood in this way by designing the preamble to its constitution in order to bring about the same. The Indian constitution's preamble declares that the country's goal is to ensure that all of its residents have access to social, economic, and political justice; freedom of speech, religion, and opinion; equality of opportunity and position; and the promotion of fraternity, which upholds the worth of the individual and the unity of the nation.

The constitution protects some essential freedoms and rights, including free expression, the safeguarding of life and individual liberty are just a few of the rights that are referred to as positive rights - in order to achieve these objectives. Along with these specific

negative rights, mainstream human rights also ensure the prohibition of discrimination and the denial of equal protection under the law.

Dalits in India acquire these rights on an equal basis with other residents. The constitution acknowledged these uneven social safeguards for Dalits, it was against the law to discriminate against other people. As India pledged, this authority has been used to pass special laws protecting Dalits in India, upholding its commitment to upholding everyone's core human rights and preserving human dignity.

### III. SC (Dalits) & HUMAN RIGHTS AS CONSTITUTIONAL SAFEGAURDS

- **Article 14:** Equal protection under the law and equality before the law
- **Article 15:** prohibit discrimination based on racial, ethnic, social class, gender, or place of birth
- **Article 16:** Equal opportunity
- **Article 17:** Abolition of untouchability Article 19: This clause grants six liberties, including:
  - Freedom of speech and expression
  - Right to assemble.
  - Right to associate.
  - Right to move freely.
  - Right to live and settle anywhere.
  - Profession, vocation, trade, and business freedom
  - Protection from prosecution for offenses is provided by Article 20.
- **Articles 25–28:** Freedom of conscience and freedom to practice, profession and spread of religion.
- **Article 29:** Protection of the minority's cultural and religion concerns Constitutional remedies for enforcing fundamental rights are outlined in Article 32.
- **State Policy Directive Principles:**
  - Articles 38 and 39 address the social and economic wellbeing of the underprivileged groups in particular and of Indian society at large.
  - Article 46 deals with the socioeconomic advancement of the underprivileged groups.

### IV. SPECIAL REQUIREMENTS FOR DALITS OR SC

Article 15(4): Discrimination in work and education Articles 330 and 332, which provide reservations for SCs in the Legislature and House of Representatives, restrict discrimination against SCs, National Commission for Scheduled Castes, according to Article 338.

Civil liberties protection Act, 1955.

The Scheduled castes and the Scheduled Tribes (Prevention of atrocities) Act 1989.

## V. HUMAN RIGHTS ARE USEFUL TO DALITS IN THE FOLLOWING WAYS

- To achieve growth and development, to overcome
- self-imposed inferiority and prejudice,
- to improve their sense of self-worth,
- to be treated equally with others,

## VI. DISCUSSION AND SUGGESTIONS

Human Rights activists have been educating and enlightening the general public about their constitutional rights and human rights while also assisting them in filing complaints and getting the support they need. They all had a thorough understanding of the provisions of the Constitution, human rights, the NHRC, its duties. It was thanks to NGOs and other social activists that the problem gained attention on a national and international scale. Although, we come across a change in their conditions, there is a crying need to take certain measures in improving the conditions of Dalits in India.

When we discuss human rights violations in rural India, caste, religion, and land-related issues are often cited as the fundamental causes of the issue rather than just one specific incident of a violation. Therefore, it is essential that the NHRC creates a comprehensive plan in collaboration with the various state apparatuses that can work on these concerns, such as the police, judiciary, and executive. Additionally, it must include non-state players like NGOs and human rights activists. To inform and raise awareness of the NHRC and human rights, seminars, workshops, training programs, and human rights fairs should be held at every level conceivable, including schools, gram panchayat offices, and anganwadi facilities. The utilization of digital material, films, photographs, and other engaging techniques can make learning more compelling.

## VII. CONCLUSION

While we take pride in our past glory, we forget that we have also got some dark spots on our heritage and culture-scavenging, bonded labor etc. and prevalence of caste system in our society. We should look into our own past record and see abominable way we have treated our scheduled Caste brothers and sisters who together form almost a fourth of our population and hang our heads in shame. We still have temples which refuse entry to scheduled Castes. We have *Shankaracharyas* who quote sacred texts to justify discrimination against the so-called lower castes. We should be, therefore, the last people in the world to accuse South Africa or others of practicing racism. Until we wipe out this disgraceful legacy of discrimination from India, we have no moral right to criticize others. Human rights defenders should take advantage of the essential awareness programs periodically organized by government organizations and non-governmental organizations (NGO) to learn about their rights and how to use them in real-world situations.

This requires making respect for human rights a habit, and this can be achieved through education and the willingness to demand rights for a better life. All marginalized people, especially Dalits, must aspire to human dignity and development and have the capacity to peacefully fight back human rights abuses by others. These hundreds of millions of people, including women, children (especially girls), religious minorities, Dalits, Adivasi,

etc., should be freed from the stigma of inferiority and deprivation. Additionally, these groups need to take the lead in developing Indigenous leadership for conservation and progress.

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