**Human Right Issue of Dalits: A Critical Review**

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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 honoured 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

# 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) emphasise that caste is structural phenomenon as it reflects upon the general principle of stratification with somewhat different manifestation and functioning then 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 origin of caste system has been greatly emphasised. The whole caste system as it has come down to us, bears unmistakable evidence of brahminical origin. The priests were, therefore, strongest advocates of caste system. They applied the principle of exclusion/inclusion vigorously to strengthen their position in society. Such a process of selection/ rejection resulted into diversification of caste, occupational and ritual structure, caste is being considered to be a tyrannical system.

The British government did not discourage the malfunctioning of the system but rather encouraged its distorted continuity by according higher statuses to certain groups, granting titles, land etc. The mobility movement particularly among the lower castes were so weak that they could not be considered an attack on the atrocities of the caste system. The system was never based on universalistic principles of division of labour, justice, equality and dignity of work. The British in India never discouraged the continuity of the functions of the caste system.

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.

Due to their historically differing social and economic standings, the various Scheduled Castes were traditionally assigned different rankings in the overarching ritual and social hierarchy of the caste system. Contrary to the Scheduled Castes, who were in some ways involved with 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 prejudices against certain castes can also be heard in spoken language through idioms and phrases, and these non-visible manifestations of discrimination are also present. In a society where adult suffrage, equality of opportunity, and status are among the similar goals outlined in our constitution, the failure of the Indian state and its instruments to address problems arising in the process of socioeconomic change has resulted in rising expectations on the one hand and growing awareness of the exploitation and indignity in social relations on the other.

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.

Dalit, both in its *Sanskritic* and Hebrew root usage, means, ‘broken’, ‘downtrodden’ which really describe the effect of oppression. Dalits, in a wider sense, would include all the oppressed people, generally called ‘Harijan’, Scheduled castes or untouchables.

Dalits are a typical example of the unique system of oppression in India in which socio-culturally ordained fixed groups have collectively remained at a deprived position for ages. They are the main body of the poor and oppressed in India. Even today they are denied individual social identity (self-respect and status). The Dalits from the inner core of poverty, which is ascriptive. They have been treated as outcastes, declared ritually unclean, hence untouchables; and pushed out for fear of pollution to live on the outskirts of villages, hence segregated.

**Human Rights of Dalit**

Natural law holds that because a person is human, they are entitled to certain rights. They relate to those rights that are believed to be applicable to all people, regardless of their nationality, 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." They are "clearly prescriptive declarations that command wide support among member-nations (or their governments) and which they were prepared to adhere to, not as formulated by which their policies were to be dictated, but as general aspirations, and common standards of achievement.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948. 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.

Thus, India performed its role as a country that cherishes the ideal of universal brotherhood 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 "secure to all its citizens justice—social, economic, and political; liberty of thought, expression, belief, faith, and worship; equality of status and of opportunity; and promote among them all, Fraternity assuring the dignity of the individual and the unity of the national.

The constitution protects some essential freedoms and rights, including freedom of speech, the protection of life and personal liberty, among others - which 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 citizens. Since the constitution acknowledged these uneven social provisions 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.

**SC (Dalits) & OTHERS' HUMAN RIGHTS IN THE FORM OF CONSTITUTIONAL SAFEGUARDS**

*Article 14: Equality before the law and equal protection of the law*

*Article 15: Prohibition of discrimination on the basis of religion, race, caste, sex, or place of birth Article*

*16: Equality of opportunity in matters of public employment*

*Article 17: Abolition of Untouchability*

*Article 19: This clause grants six liberties, including:*

*1. Freedom of speech and expression*

*2. The right to assemble.*

*3. The right to associate.*

*4. The right to migrate freely*

*5. The right to live and settle anywhere*

*6. Profession, vocation, trade, and business freedom*

*Protection from prosecution for offenses is provided by Article 20.*

*Articles 25–28: Conscience-freedom and free exercise, professing, and propagation 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.*

**SPECIAL REQUIREMENTS FOR DALITS OR SC'S**

*Article 15(4): Discrimination in work and education*

*Articles 330 and 332, which provide reservations for SCs in the Legislative Assembly and House of the People, respectively*

*National Commission for Scheduled Castes, according to Article 338*

*12. PROTECTION OF CIVIL RIGHTS ACT 1955.*

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

**HUMAN RIGHTS ARE USEFUL TO DALITS IN THE FOLLOWING WAYS:**

* *To raise their self-respect*
* *To overcome discrimination*
* *To overcome self and imposed inferiority*
* *To achieve growth and development*
* *To be treated equal with others*

**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 labour 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 practising racism. Until we wipe out this disgraceful legacy of discrimination from India, we have no moral right to criticise 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. For this, it is necessary to inculcate the habit of upholding human rights, which is achieved through education and a willingness to claim rights for a better life. All vulnerable groups, especially Dalits, should have a desire for human dignity and growth as well as the capacity to peacefully fend off violations of their human rights by others. These hundreds of millions of individuals, including women, kids (particularly girls), religious minorities, Dalits, *adivasis*, and others, should be liberated from the stigma of inferiority and unprivileged. Furthermore, these groups ought to take the lead in developing indigenous leadership for both protection and advancement.

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