

Dalit Identity and Politics of Exclusion In India: A Human Rights' Perspective

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Introduction

The concept and practice of human rights is the hallmark of any modern society. Since time immemorial, the story of human rights has been the story of human wrongs. It is perhaps to hold and restrict the wrongs by one human being or a group or a body of human beings against the other individual, or a group of beings against the other, that the institutions like family to society as a whole come into existence. Man is born to be free and all that he must do is that be devoted to the wellbeing of human every kind of human being-of whatever race or religion, caste or creed or whatever sex and in all societies, developed and underdeveloped, traditional or modern. This truth this great objective, belongs equally to everyone. (Senapati 2014). But in the Indian context, untouchability and caste discrimination are the fundamentals of the Human Rights violations against Dalits. National legislations and constitutional provisions serve only to mask the realities of discrimination and violence faced by the 'society created sub-humans' living below 'pollution line'. Dalit identity centric politics promote the exclusion policy of the mainstream politicians and society and violated the Dalit people's human rights. Actually, politics of exclusion' is a contested term. It is used to refer to a wide range of phenomena and processes related to poverty, deprivation and hardship and also used in relation to a wide range of categories of excluded people and places of exclusion. The emergence of 'Dalit' community as a vibrant and assertive group on the social and political scene of India has been a subject of inquiry for social and political scientists for quite some time now. In this regard the studies on Dalits identity and their movements have been of special interest to Sociologists and political analysts in the post Independent India in the context of the violation of human rights as well as the politics of exclusion.

Dalit Identity: Who are Dalits?

Dalits, literally meaning 'broken people' or 'oppressed' in Hindi, are the lowest members of the Hindu caste system in India. The caste system is a Hindu hierarchical class structure with roots in India dating back thousands of years. In descending order, the caste system is considered of Brahmins (priests), Kshyatriyas (warriors), Vaisyas (farmers), Shudras (laborer-artisans), and the Dalits, who are considered so polluted they are beyond caste. Traditionally, caste, determined by birth, defined whom one could marry and the occupation one could pursue. (Hanchinamani 2001: 18).

In another word, 'Dalit' has come to mean things or persons who are cut, split, broken or torn asunder, scattered or crushed and destroyed. The great Marathi social reformer and revolutionary, Mahatma Jyotirao Phule (1826-1890), used it to describe the outcastes and untouchables, the oppressed and victims of India's caste ridden society. The word 'Dalit' was used in the 1930s as a Hindi and Marathi translation of 'Depressed Classes', the term that was used by the British to refer to the untouchable castes. In 1930, there was a depressed class's newspaper being published from Pune called *Dalit Bandhu* (Friend of Dalits). Under the leadership of B.R. Ambedkar (1891-1956), this term gained greater importance and popularity as he used it in his Marathi speeches. (Chatterjee 2011).

The Dalit Panthers revived the term and their 1973 manifesto expanded its referent to include the landless and poor peasants, Scheduled Tribes, women, Neo-Buddhists, the working people and all those who are being exploited socially, politically, economically and in the name of religion as mentioned by Gail Omvedt. Therefore, since early 1970's the word has been used in the media and in common parlance in a wider context than the original caste based context. (Senapati 2014).

It is viewed the Dalit as a category was first used by Ambedkar in his speech and essay *Bahishkrut Bharat*. He defined it comprehensively, that Dalithood is a kind of life condition which characterizes the exploitation, suppression and marginalization of Dalit by the social, economic, cultural and political domination of upper caste Brahminical order. Baburao Bagul offering a radical definition provided an ideological face to the Dalit Panther manifesto; which promotes the use of Dalit as a revolutionary category for its hermeneutic ability to recover the emancipatory potential of the historical past of Dalit culture. He argues that this category has a greater capacity to reach out to a larger section of people. It is a historically constructed through the revolutionary struggle of Dalits (Guru 1998). In the similar vein, S.P. Punalekar, Ghanshyam Shah and Gail Omvedt define Dalit category more or less as an intellectual construct and the expression of powerless and voice less (Shah

1998). K.L. Sharma attributes 'Dalit' to be more emotional and effectual than rational and logical. He considers Dalit to be an adhoc concept; a culture bound construction; a reactive and not a generative concept; a concept in making (Sharma 2001). In the recent years the term Dalit has been discarded as a socially reactionary category by a section of community who prefer Bahujan over Dalit category. Moreover the urban, educated middle class Dalits have criticized this 'category' as socially regressive, derogatory and hence undesirable. This middle class Dalits argued that this category force Dalits to carry the load of their historical pasts as averred by Gopal Guru. (Senapati 2014).

Gandhiji identified dalits as Harijan but the category 'Harijan' was also criticized which cannot be encapsulated within Dalit category since it was considered to be entirely metaphysical. As Gopal Guru puts it, imputed an element of resigned fate to the subject and therefore can render it inactive. The term 'Harijan' is an ascribed one since it does not flow from the untouchables own experience is averred by Gopal Guru. In contrast Dalit is not a metaphysical construction; it derives its epistemic and political strength from the material social experience of the community. It is this social construction of Dalit-hood, which makes it authentic and dynamic rather than passive and rigid. In other words, it is an emancipatory project which strives for a humane world. (Senapati 2014).

India's caste system assigns individuals a certain hierarchical status according to Hindu beliefs. Traditionally, there are four principal castes (divided into many sub-categories) and one category of people who fall outside the caste system—the Dalits. As members of the lowest rank of Indian society, Dalits face discrimination at almost every level: from access to education and medical facilities to restrictions on where they can live and what jobs they can have. The discrimination against the Dalits is especially significant because of the number of people affected.

Against this backdrop we may summarize the meaning of dalits at a glance as the table below:

Dalits: At a Glance

Narrower Sense	Sudras and Atisudras and others
Broader sense	Socio-economically oppressed and depressed classes like women, children, old aged person, minority etc.
Historically	Harijan, Untouchables and Others

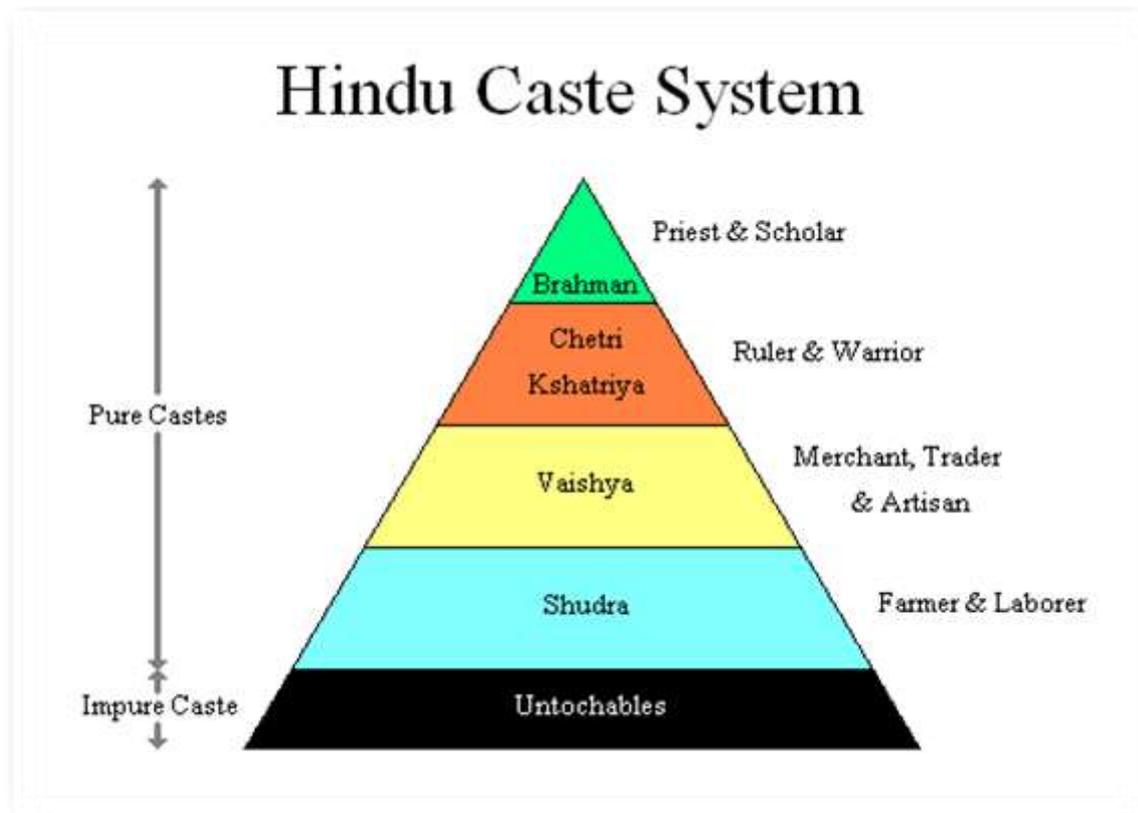
Constitutionally	SCs, STs and OBCs
As per Census Record	21 crore people in India
Modern Sense	Educated conscious people of Dalit Identity
Politically	Subaltern Movement and political mobilization for economic benefit
Economically	Backward and BPL listed people
Gandhian Perspectives	Harijan Community
Marxist Perspectives	Class Conscious Peasant, Land-labour, wage-labour, student and other depress class.

Politics of Exclusion: Indian Scenario

According to Piron & Curran (2005), “exclusion is defined with reference to groups of people who are excluded from social, political and economic processes and institutions on the basis of their social identity and who experience to a greater or lesser degree significant poverty impacts as a result of their exclusion.” After India’s independence when India declared itself as a democratic nation having adopting a written constitution in which the practice of social exclusion in the form of untouchability is been eradicated and made it as a punishable offence under article 17 and 18 of the Indian constitution and have made several developmental provision for the Dalits. In spite of this the practice of social exclusion and discrimination has been practiced in one or the other form the practice still exists in a newer forms and strategies. In Political spheres, the Dalits are denied to practice their political rights such as rights and means to participate in the exercise of political powers and denial of justice, freedom of expression, rule of law .The constitution of India has made certain provision to empower the Dalits politically but the exclusion has made them to think for political participation. Trends also developed in this context, that giving representation to the weak candidates from the Dalits community for election by pertaining political parties. Actually at the reserved political constituency were the deciding people will not be the Dalits himself but the upper caste voter who purposely elect a candidate who can represent the upper caste not for the Dalits. Due to this the Dalits can’t elect their representative who can participate on their behalf in the policy making. The impact of exclusion has made the Dalits as vulnerable community since from the Vedic time. The process of social exclusion system has made the Dalits dependable on the others so called upper communities. In the

contemporary scenario due to the impact of exclusion of Dalits they are subjected to social, economically and politically exclusion.

The Dalits are one of the most marginalized or excluded community in India. They are being subjugated by the upper caste Hindu in India for ages. To understand the Dalit questions in India, understanding of the Hindu social system is very important. The Hindu social system itself promotes social exclusion. The Hindu social system eventually, divided the society into various groups and castes. The socio-economic and religious rights became pre-determined by the caste system. The distribution of those rights was so unequal and there was stringent provision in the caste system to make the members to follow the division without opposing it. The occupation was too pre-determined and the members were not allowed to change their occupation. Predominantly the Brahmins were enjoying the best and untouchables were forced to accept the worst. Some Scholar argued that, the concept of liberty, freedom or democracy was almost missing in the Hindu caste system of society. Even the concept of universal declaration of human right also contradicts with the Hindu caste system of society. And thus a group of people was denied access to become the full member of the society. They are excluded by politician or by societal set up. Very recent some cases held at our prime educational institute and also in enlighten and educated society which is proof the actuality of the exclusion politics against dalits.



Source: <https://mrandersongodoy.files.wordpress.com/2015/03/hinduism.pdf>

Dalits in Indian Constitution and Acts

India is a sovereign, socialist, secular, democratic and republic country. Every attribute of the Republic is bedrocked on human rights - the sovereignty of the people over the entire resources of the nation, the secular liberation which interdicts discrimination against individuals and groups on religious grounds, the socialist harvest of economic, cultural and other rights, and the democratic participation through political and civil rights. There are meaningfully implicit in the system of the Republic and made more explicit in the Preamble and Parts III & IV which have been called the conscience of the constitution. The core objective of the constitution from the socio-economic aspects of human rights is spelt out in Arts.38 and 39 of the constitution. The various constitutional amendments from the very first down to the last, show a determination of the Indian Parliament to transform the economic order and establish social justice through state action (Ganesh, 2001: 202). The articles incorporated in the Indian constitution have the bearing on Human Rights dialogue. To name a small number of – Right to equality (Art. 14-18), Right to Freedom (Art. 19-22), Right against exploitation (Art. 23-24), Right to freedom of Religion (Art. 25-28), cultural and educational rights, protection of interests of Minorities (Art. 29-30), Articles related to reservations to SC & STs 330,332,335,338,339 &340 (Jogdand, 2001: 163).

Article 17 of the constitution of India has abolished untouchability and its practice in any form has been strictly forbidden. Later, the Parliament enacted *Untouchability (Offences) Act, 1955* to give effect to Art 17. To make it more strict, the Act was amended in 1976 and was renamed as the *Protection of Civil Rights Act, 1955* along with the normal provisions of the *Indian Penal Code*, had been found to be inadequate in providing safeguards to the scheduled Castes or Scheduled Tribes against several crimes. Thus, yet another Act, known as the *Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989* was also passed by the Indian Parliament. (Gocchayat 2013).

The Scheduled Castes and Schedules Tribes Prevention of Atrocities Act of 1989 (1989 Act) also provides a wide range of protections for Dalits. This document outlaws offenses such as forcing Dalits to ‘drink or eat any inedible or obnoxious substance,’ to remove their clothes or parade around naked, or to become bonded labourers. The 1989 Act also protects Dalits from false lawsuits, sexual exploitation, and interference with their voting and property rights. Violators of the 1989 Act are subject to penalty in rupees and imprisonment, while repeat offenders are supposed to serve at least one year for each offense. The 1989 Act also requires states to set up Special Courts to adjudicate Scheduled Caste offenses. In addition, the Act provides punishment for public servants who fail to enforce the protections set forth in the Act. The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules of 1995 further delineate procedures for state governments to take toward investigation, prosecution, and punishment pursuant to the 1989 Act. (Hanchinamani 2001)

Dalit Human Rights: Theory and Practice

Human rights are more critically conversed in the wake of growing atrocities against the historically deprived group. Dalit human rights has become an international issue and organizations like Human Rights Watch, Amnesty International, Minority Rights Group and Anti-Slavery International are making Dalit Human Rights a priority issue and are concerned to raise the issue internationally in UN bodies, governments and the public- at large. For the most part, the international community, particularly the general public residing outside of India, is unaware that untouchability and daily or routine forms of caste discrimination are still practiced in India. However, in recent years an increasing number of human rights organizations and bodies are coming to recognize untouchability and caste discrimination as a gross human rights violation. (George 2013).

Activities of terror continue to be part of violence perpetrated on the Dalits. The Dalit community is found to be facing constant humiliation, in deep turmoil, and growing erosion of their identity and sense of being part of civil society, the nation and the state (Kothari

1997). In theory untouchability might have been abolished but in practice, Dalits continue to be subjected to discrimination, harassment, and humiliation. They are denied the basic human rights of self respect, equality and freedom despite constitutional guarantee. If these people attempt to challenge the traditional oppressive practices, they are subjected to further insult, humiliation and deprivation (Khan 1995). Thus, millions of Dalits are faced with helpless situation in which they are not allowed even to enjoy the rights guaranteed under law (Kodian 1990). Noticeably the problem of realization of the social, cultural, civil and economic rights by the Dalits remains unrealized. According a Report *Prepared by the Center for Human Rights and Global Justice and Human Rights Watch* published in 2007 dalits are victimized in Indian Society and neglected their basic rights. The reports write down that:

India's failure to ensure that all public authorities and public institutions do not engage in caste-based discrimination is widespread. Two examples exemplify this failure: treatment of Dalits by the police and discrimination in the provision of disaster relief. India's National Human Rights Commission (NHRC)—a statutory government body that the Indian government describes as the apex national institution to protect human rights and redress grievances—has commented that the law enforcement machinery is the greatest violator of Dalits' human rights. According to the NHRC, widespread custodial torture and killing of Dalits, rape and sexual assault of Dalit women and looting of Dalit property by the police 'are condoned, or at best ignored.' This problem is not a recent one. In 1979 India constituted the National Police Commission to analyze problems in police performance. However the report's recommendations, which include recommendations specific to police abuse of Dalits, have still not been adopted. While the Prevention of Atrocities Act, 1989, and the Supreme Court guidelines set out in the D.K. Basucase are available legal tools to prevent torture, illegal detention, or improper interrogation of Dalits, jurists, human rights activists and civil rights groups claim that a lack of political will and immunity laws that shield those responsible for human rights abuses from prosecution, allows the problem of torture and other forms of custodial abuse to continue unchecked.

Dalits are particularly vulnerable to arrest under draconian security laws. Additionally, under a theory of collective punishment, the police often target entire Dalit communities in search of one individual and subject the community to violent search and seizure operations. Dalit women are particularly vulnerable to sexual violence by the police, which is used as a tool to punish Dalit communities. Police also actively allow private actors to commit violence against Dalits with impunity, and at times, collude with private actors in committing such atrocities. Police systematically fail to properly register these crimes under

the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Protection of Civil Rights Act, 1995.

According to separate investigations by the National Campaign on Dalit Human Rights and Human Rights Watch, India failed to protect Dalits from discrimination in the distribution of aid in the wake of two of India's largest natural disasters in recent years: the Gujarat earthquake in January 2001 and the Indian Ocean tsunami in December 2004. India has also failed to encourage integrationist movements or eliminate barriers between castes. It has allowed segregation in schools and housing, and has failed to faithfully implement constitutional and legislative abolitions of "untouchability" practices. Additionally, as Dalits increasingly organize to protest their discriminatory treatment and claim their rights, the government has consistently failed to protect Dalits against retaliatory attacks by upper-caste groups, including the rape of Dalit women, and has failed to address social and economic boycotts against Dalits, thereby further discouraging integrationist movements.

Conclusion

From the forgoing discussion, it can be concluded that since independence dalits are experience various human rights violation against them. In the social sphere the Dalits were deprived of the socio- cultural, civic, political and economic rights. Even though India has made measurable progress in terms of the protections afforded to Dalits since independence, Dalits still suffer undesirable discrimination and mistreatment at the hands of upper caste members and law enforcement officials. Such mistreatment is intolerable under both India's domestic laws and its obligations under international law. Until the atrocities against Dalits end, the international community ought to continue to publicize the conditions of India's disenfranchised population and encourage India to live up to the standards established in its domestic laws and international obligations. A democratic movement from the grassroots level has to be launched against discrimination and violence as they are more apparent in rural areas. There is a need to change the status quo and discrimination. The Dalit human rights have to be taken to the center stage of any political and social movement in the country. Dalit right to be human cannot be attained by themselves being mere observer. Dalits have to spearhead this human right movement and all progressive forces should join their hands with them. There is a require of the involvement of the Non-Governmental Organizations (NGOs) to create awareness among the rural masses regarding the human rights and they should organize the people from village level to state to promote and protect the basic human rights of the community. Whenever, there is state oppression or violation of human rights, such voluntary organizations should come forwarded to fight against the state

oppression. These voluntary organizations should organize the 'Awareness Camps' at village level, district level and regional level. So, the community participation in the promotion and protection of civil and democratic rights would be possible. In this way, Dalits can get their rights life with dignity.

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