

HUMAN RIGHTS VIOLATION AND DALITS IN INDIA: A SOCIOLOGICAL STUDY

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Abstract

Dalits have been considered, for centuries, as lesser human beings and subjected to caste based atrocities for various historical, social and economic reasons. The caste based discrimination sanctified by the Hindu religious scriptures, is still haunting a large segment of Indian society, i.e. dalits. Despite the formal protections under the laws, dalits are still meted out with atrocities which are striking at their very basic rights. The vested upper caste interests and the desire to maintain the monopoly over the community resources is involved in maintaining the caste based discrimination and atrocities. Further the state complicity as a whole has turned the Prevention of Atrocities Act nugatory and ineffective thus resulting in the perpetuation of atrocities. The caste based discrimination is no fewer graves than the discrimination faced by the blacks on racial grounds of race and thus needs to be fought at the international level. Human rights violation has become a worldwide phenomenon and is increasing day by day in developing countries like India. Not a single day passes without papers reporting on violation of human rights in India. The vulnerable sections like dalits, Adivasis, women, children, minorities and other groups are discriminated without any fault of their own. In this paper, an attempt has been made to highlight on the theoretical analysis of the violation of human rights of Dalits particularly in India. The present paper tries to find the nature and magnitude of atrocity on Dalits. It has dealt with the conceptual category of 'Human Rights' and 'Dalit' and its historical underpinning for being discriminated. It also deals with the sociological and legal constraints for Dalits getting justice. The paper also endeavors to trace the compatibility of Human Rights with social order in villages and has tried to trace the nature and magnitude of Human Rights violation of Dalits.

Keywords: Human rights, dignity, atrocity, dalit, discrimination, untouchability, prevention of atrocity act, exclusion, Violations.

INTRODUCTION

The history of human rights is a history of people's struggles for liberty and for enforcement of fundamental rights. In every sphere of life, in country after country, these rights are being violated. Each violation of human rights, wherever it occurs is a great threat to the welfare and dignity of the human civilization. At every stage of history, voices of poorest against oppression have been heard; in every age, visions of human liberation have also been eclipsed. As we moved towards modern times, these violations have been translated into programmes of social action and at times incorporated into the constitution of States. Yet conflicts, wars and despotic regimes have periodically crushed the very foundation of rights acquired across the centuries, or replaced old conceptions with new approaches to rights.³ Human rights can be defined as those rights, which are inherent in human nature and without which human beings cannot live with dignity as human beings. Such rights are vested in people and are not granted by Government. Democracy, free and fair media, independent and universal judiciary facilitate the impartial implementation of these rights. The Universal Declaration of Human Rights (UDHR) 1948 was a milestone in judicial and human history. The doctrine that repression of basic human freedom is necessary for fulfilling of socio-economic rights and that one must be sacrificed to the other is a pernicious doctrine, propagated by those who desire despotic power over fellow human beings. Ideally speaking, both these sets of rights are complementary to each other, neither being superior nor subordinate to the other. Together they form the core of the essential human rights inherent in every human being.

WHO ARE THE 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. Dalits are known by different names. Mahatma Gandhi called them Harijan, the children of God.

Religious books of the Hindus called them Sudras; Ambedkar called them “depressed classes”. However since 1970 the term “Dalit” has been widely used. Dalit is a Marathi word first used by Mahatma Jyothiba Phule, a 19th century social reformer who led a movement for the upliftment of untouchables, which means “broken people”. The Government of India officially calls them “Scheduled Castes”. “Scheduled” means they are on a government schedule that entitles them to certain protections and affirmative action (Prasad, 2001). A Dalit believes in humanism. He rejects existence of God, rebirth, soul, sacred books that teach discrimination, faith and heaven because these have made him a slave. He represents the exploited man in his country. For Gopal Guru (2001), the term does not merely express identity—a sense of who the Dalits are—but it also conveys their aspirations and struggle for change and revolution.

THE CONCEPT OF HUMAN RIGHTS

The subject of human rights has agitated the minds of human beings in all ages, but the concept of human rights has been undergoing a change over different ages. The subject being basic to human thinking across the globe is varied and wide as human beings themselves. It is thus an idea with a history; an idea that changes both content and social function. Human right is a dynamic concept and endeavors to adapt itself to the needs of the day. New thoughts arise from the womb of the old. Today the sphere of human rights thought and action has been widened to new arenas and constituencies. That is why the definition and understanding of the term “human rights” depends much upon the conditions and opinions prevailing in a given society at a given time; further, human rights attains new dimensions and connotations with the march of history. In the similar vein, the universality of human rights is also another dimension to reckon with. Human rights, generally speaking, are regarded as those fundamental and inalienable rights that are essential for life as human beings. To quote A.J.M. Milne, “There can be no human community without rights. Having rights is part of what is to be member of any community. A community necessarily consists of members who have rights and obligations. Unless there are members, there cannot be community. There has to be rights if there is to be any social life. Thus, rights enable an individual with at least some of the elements of a place, an identity and a role in social milieu”.

According to R.J. Vincent, Human Rights are something that everyone equally has by virtue of “their very humanity” and also by virtue of their being grounded in our appeal to our “human nature”. In similar vein, Devid Shelby avers that Human Rights pertain to all persons and are possessed by every bone in the world because they are simply human beings, they are not earned, bought or inherited, nor are they created by any contractual undertaking. Another exponent, Scott Davidson offers a very precise and contemporary definition of the subject. According to him, “the concept of human rights is closely related with the protection of individuals from the exercise of state, government or authority in certain reas of their lives; it is also directed towards the creation of societal conditions by the state in which individuals are to develop their fullest potential”. Therefore, most of the writers have described human rights on the context of human nature, human dignity and existence of healthy society. Human rights as such are a legacy of classical and contemporary human thought to culture and civilization.

PRESENT POSITION OF DALITS IN SOCIETY

We are celebrated 66 years Republic day in India but there is no change on dalits social status. It is shame to every Indian citizen. Several governments were ruled but they did not concluded permanent solution to avoid discrimination from the society. There are so many crimes increasing crimes on dalits. Whole the dalits are still they are struggling for social equality and fighting against discrimination. How can I express my grief to terminate discrimination completely from the society? All the well-known persons in the society they strongly believe that villages are ideal to Indian Nation but there is no social equal status in all the villages of our country. Even today a village president if he may belong to the Dalit community he does not allow to sit a village gram sachivalayam meeting by the upper community. Dalits also human beings in India but they are treated like animals or ghosts by the upper community. A 2005 government report states that a crime is committed against a Dalit every 20 minutes. Caste-motivated killings, rapes, and other abuses are a daily occurrence in India. Between 2001 and 2002 close to 58,000 cases were registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act – legislation that criminalizes particularly egregious abuses against Dalits and tribal community members. Though staggering, these figures represent only a fraction of actual incidents since many Dalits do not register cases for fear of retaliation by the police and upper-caste individuals.

Dalits are forced to perform tasks deemed too “polluting” or degrading for non-Dalits to carry out. According to unofficial estimates, more than 1.3 million Dalits – mostly women – are employed as manual scavengers to clear human waste from dry pit latrines. In several cities, Dalits are lowered into manholes without protection to clear sewage blockages, resulting in more than 100 deaths each year from inhalation of toxic gases or from drowning in excrement. Dalits comprise the majority of agricultural, bonded, and child laborers in the country. Many survive on less than US\$1 per day. In January 2007 the UN Committee on the Elimination of Discrimination against Women concluded that Dalit women in India suffer from “deeply rooted structural discrimination.” “Hidden Apartheid” records the plight of Dalit women and the multiple forms of discrimination they face. Abuses documented in the report include sexual abuse by the police and upper-caste men, forced prostitution, and discrimination in employment and the payment of wages. Dalit children face consistent hurdles in access to education.

DALITS AND THEIR RIGHT TO BE HUMAN

Dalit, which literally means ‘Oppressed’ or ‘Broken, was used as early as in 1930s as a Hindi and Marathi translation of ‘Depressed Classes’, the term British used for what are now called the Scheduled Castes⁸. B.R. Ambedkar also used the word in his Marathi speeches. Although the word ‘Dalit’ literally means oppressed persons, it has acquired a new cultural context to imply those who have been broken down by those above them in a deliberate and active manner⁹. 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. It is viewed the Dalit as a category was first used by Ambedkar in his fortnight 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.

HUMAN RIGHTS VIOLATIONS AGAINST DALITS IN INDIA

According to the Hindu religious belief, “All human beings are not born equal.” This creates caste-based discrimination against Dalits, which is then open to various forms of violence against them, which include public humiliation, torture, rape, beating, and killing, etcetera. The untouchability is the basis for atrocities and violence, denial of basic needs, land rights, legal discrimination, infringement of civil liberties, inferior or no people status, de-humanizing living and working conditions, impoverishment, mal-nourishment, bad health conditions, high levels of illiteracy and continuing social ostracism is continue to the reason for human rights violations against dalits.

The problem is not the law; implementation is a total failure because the less than 15% high caste Hindus who control 85% of the wealth, power, justice system, police and 100% of the media. Hence, the culprits go unpunished (National Commission Most importantly, these violations are not only performed against Dalits, but also on other minority communities in India. For the last few years, 159 Hindu masses have been directly associated with the human rights violations against Muslims, Christians and Sikhs throughout India. For instance, Hindus killed more than 3,000 Muslims in a Mosque demolition in 1992. In 1994, more than 4,000 Sikhs. In the Delhi area were killed in Communal riots. In recent years, more than 2,000 Muslims in Gujarat and hundreds of Christians have been killed. Atrocities against Dalits the term "atrocitiy" is a legal one. Atrocitiy cases against Dalits vary in severity and form, including the following:

1. Causing injury, insult, or annoyance to a Dalit;
2. Assaulting, raping, or using force of any kind against a Dalit woman or a Dalit girl;
3. Physically injuring or murdering a Dalit;
4. Occupying or cultivating any land owned by or allotted to a Dalit;
5. Forcing a Dalit to leave his/her house, village, or other place of residence;
6. Interfering with a Dalit's legal rights to land, premises, or water;
7. Compelling or enticing a Dalit to do 'beggar' or similar forms of forced or bonded labor;
8. Intentionally insulting or intimidating a Dalit with the intent to humiliate him.

HUMAN RIGHTS SITUATION OF DALITS

There has been a dereliction of social, cultural and civil rights which is practiced through religious sanctions and sanction of the law books or the Dharmashstras. According to Manusmriti; the untouchables had not only religious and cultural disabilities but they were simultaneously not allowed to have possession of wealth since Shudra could torcher a Brahmin. In the contemporary times, untouchability continues to be practiced today against Dalits. In everyday life situation, ex-untouchables subjected to segregation, insult, humiliation and frustrations. In this regard, earlier studies of J.M. Freeman's study of Bauris in Orissa village reveals that in everyday social life Bauris are suppressed, cheated, insulted and used by so called upper/high caste. Similarly, a study concluded by Lal and Nahar in Rajasthan noted that the upper caste by and large do not accept water from utensils of scheduled caste and accessibility to temples is debarred.

CONCLUSION

However, on the account of the above discussion, I would like to offer some suggestions which might help to halt the violation of human rights of Dalits. These are: i) conscious raising among the Dalits, ii) abolish labelling approach change the mindset of the higher castes, iii) implement the legal provisions without any fear or favor, iv) coordination between the central and state governments while working out legal provisions, v) states must be powerful and should not remain as an interventionist agency, vi) penalize the village which observe social boycott against Dalits, vii) punish the people severely who use legal provisions to settle their personal scores, and viii) sensitize the people to the norms and values of the human rights movement. Apart from this, there is a need 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 people. The community at large should have a strong base to fight against the exploitation and criminality. Through community action, we can reduce the socio-economic inequalities and exploitation of poor by rich to some extent. This kind of approach may yield good results in the course of time.

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