

Human Rights Abuses of Indian Dalits: A Discussion on Social Inclusion

Nini Rema Rumdali Rai

Assistant Professor at Department of Political Science, Padmakanya Campus, TU, Nepal

ABSTRACT

The paper intends to explore the state of human rights abuses of Dalits for recommendation of ways for equality owning India from social justice point of view. India is one of the largest democracies in the world that got an independence in 1947. The 1950 national constitution of India legally abolished the practice of untouchability and provided measures for affirmative action in both educational and public spheres for Dalits and other social groups who fall within the caste system. Dalits constitute 16.6 percent of India's total population as per the 2011 census. Indian has signed several international human rights treaties and instruments for enhancement of justice and equality. The study attempts to address the research questions: What strategies and tools can be used to promote social justice and inclusion for Dalits? How to create positive conditions for elimination of human rights abuses? And how to involve stakeholders at all levels for progressive realization? The critical analysis of pertinent secondary literatures was carried out as a research method in the study. The study found that Dalits are subject to physical harms, harm to relationships, economic harm, environmental harm, harm to a mental health and harm to a person's identity. Evidences of caste-based discrimination and untouchability are round the corner. Notwithstanding the legal provisions, the society is divided on the basis of caste lines on Dalit voice against caste discrimination and untouchability. Even the law enforcement agencies are influenced by the caste lines. A reining ideology of caste system disintegrates Dalits in the socio-cultural processes of the society. Consequently, Dalits remain as subordinates to the remaining sections of a caste system. The Indian duty-bearers have been carrying out their responsibilities to curb untouchability nationally and internationally that is yet to be adequate. The progress of India must be measured by a progress of Dalits which they have attained equally.

Keywords: Dalits, Indian Democracy, Social Inclusion.

INTRODUCTION

Background

Human rights are universal and inalienable. All people in the world are entitled to them. The very rights are indivisible. The civil, political, economic and cultural rights are inherent to the dignity of every human person. There is no hierarchy of human rights. The realization of one right often depends, wholly or partly, upon the realization of others. The realization of right to health may hinge upon the right to information or of the right to education. All individuals are entitled to their human rights without discrimination of any kind, such as race, color, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaties bodies. Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, political, economic, social and cultural development, through which human rights and fundamental freedoms can be realized. States and other duty-bearers must comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved right-holders are entitled institute proceedings for appropriate redress before a competent court or other adjudicator, in accordance with the rules and procedures provided by the law¹. Promoting and encouraging respect for human rights without discrimination is one of the main purposes and principles of the United Nations, as enshrined in article 1 of the United Nations Charter. All United Nations agencies, funds and programs are governed by, and have a mandate to promote, the principles of the United Nations Charter. As clearly stated in the Guidance Note on Human Rights for Resident Coordinators and UN Country Teams, meeting this mandate is not optional; it is a duty for the whole United Nations System².

¹UNISEF (2015). *UNISEFF Annual Report*. Finland: UNISEF.

²United Nations, Guidance Note on Human Rights for Resident Coordinators and UN Country Teams 22(<https://undg.org/wp-content/uploads/2016/10/UNDG-Guidance-Note-on>)

The UN human rights system has extensively addressed situations of caste discrimination,¹ including through mandates and processes concerning 'racial discrimination'. The UN Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines 'racial discrimination' as: any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life³.

The caste system had existed in India for at least 3,000 years as a social hierarchy that passed down through families, and it dictated the professions a person can work as well as their social lives, including them whom they can marry. While the caste system was originally for Hindus, about all Indians today identify with a caste, regardless of their religions. Dalits are those communities who have been oppressed and marginalized in the worst forms for millenniums in the name of caste, the major practice of social stratification in the Hindu society in South Asia. They are termed as 'untouchables' by the radical enforcers of the extremely rigid caste system. Dalits are defined as 'those communities who, by virtue of atrocities of caste-based discrimination and untouchability, are most backward in social, economic, educational, political and religious fields, and deprived of human dignity and social justice'⁴.

Problem Statement

India is one of the largest democracies in the world. The constitution of India in 1950 had outlawed the practice of untouchability. The process of democratization, modernization and development has brought positive changes in the country. The constitution has revised six fundamental rights such as right to equality (Articles 14-18), rights to freedom (Articles 19-22), right against exploitation (Articles 23-24), right to freedom of religion (Articles (25-28), cultural and educational rights (Articles 29-30) and right to constitutional remedies (Articles (32-35)(Indian Constitution 1950). India is a state party to the Universal Declaration of Human rights and a number of human rights treaties have been ratified by India to the cause of protection and promotion of human rights. Flyvbjerg(1998) contended that democracy is not something a society 'gets'; democracy must be fought for each and every day concentrate instances, even long after democracy is first constituted in a society. If citizens do not engage in this fight, there will be no democracy. Voice and equality are supposed to be central to democratic participation. In a meaningful democracy, people's voice must be hard and clear: clear so that policymakers understand citizen concerns and plights and loud so that they have an incentive to pay attention to what is said. Since democracy implies not only government responsiveness to citizen interests but equal consideration of interests of all citizens, democratic participation must also be equal (Verba, Scholzman & Brady, 1995).

The practice of untouchability still dictates the order of modern life for millions living in India. It retains its centuries-old caste system. Dalits suffer from the caste system for generations. Dalits are those communities who have been oppressed and marginalized in the worst forms for millenniums in the name of caste, the major practice of social stratification in the Hindu society in South Asia. Caste system has been entrenched in India, Nepal, Pakistan and other parts of South Asia. Social stratification prevails in society. It is the ordering of social differences with the help of a set of criteria which ties the differentiated strata into a system (Gupta, 2000). The combination of roles and positions are stratified in the society in line with the strata prevailing. It is accompanied by endogamy, hereditary membership and traditional occupations in a hierarchical order. The caste system as a 'system of birth ascribed stratification, of socio-cultural pluralism, and of hierarchical interaction'. The caste system brings the stratification to the society which is created by the birth (Berreman, 1967). It is sharply defined and in which the boundaries between the different layers of hierarchy are rigidly fixed. The notion of caste is fundamentally based on the segmental division of society, hierarchy, restriction on feeding and social intercourse, civil and religious disabilities and privileges of different sections, restriction on marriage, and lack of unrestricted choice of occupation (Ghurye, 1964). Pandey & Tiwari (1994) mentioned that power resides in the persons of high officials and not in the institutions. Personal cliques act as intermediaries in decision-making. Such personalized nature of power provides the party and government leaders with a high degree of freedom in determining the matters of strategy and tactics. Institutions are only used to formalize decisions made by a particular clique.

Despite the fact that discrimination based on caste was outlawed by India's constitution in 1950, the practice of untouchability has been subjugating and discriminating the aspirations of Dalits in India. The exclusion in formal and informal institutions, the segmental division of society based on hierarchy and majoritarian politics have equally contributed to the extent of Dalit marginalization in socio-cultural and political activities and process. (Baral, Hachhethu & Sharma 2001) opined that the domination of the high hill caste groups in composition of political leadership at national and local levels reflects their preeminence in social, economic, administrative and political structures of the country. Lawoti

-Human-Rights-for-RCs-and-UNCTs-final.pdf).

³ United Nations. *Treaty Bodies, Special Procedures, UPR etc.* (www.isdn.org).

⁴ Ram Bahadur B.K. (2017). *Dalits and Dignity*. Kathmandu: Sita Sunar.

(2005) found the overall impact of polity is exclusionary ahead. The polity lies in the majoritarian corner which is not inclusive. Even the individual institutions are not inclusive since all major parties are controlled by certain castes from the hill regions who are Hindus and from elite groups, even as much of it is in the hands of males. It rules out power sharing among groups. It means that there is a need to explore it further. How are institutional discriminations and social exclusion related to abuses of Dalit human rights? Why are Dalits humiliated and discriminated despite the laws?

The purpose of the study is to explore circumstances of abuses of Dalit human rights in India.

Objectives

The overall objective of a study is to explore a state of abuses of Dalit human rights in India. The specific objectives include: (a) to interpret the context of abuses of Dalit human rights; and (b) to explore the gaps between the law enforcement agencies and social stakeholders.

Research Questions. The paper include: (a) how are institutional discriminations and social exclusion related to abuses of Dalit human rights? ; And (b) Why are Dalits humiliated and discriminated despite the laws?

METHODOLOGY

Both the primary and secondary sources of information have been used in the paper. The primary sources of information include the constitution of India 1950 and the lived experiences of the individuals whereas the secondary sources of information include the cooked information derived from the journals, reference books, reports and so on. The primary and secondary sources of information have interpreted and analyzed thematically.

LITERATURE REVIEW

A Caste System: A Prone to Exclusion

Sharma (2005) argued that the historical glimpse of the prevalence of caste discrimination is consistently associated with the concept of Hinduism. It is not easy to trace the exact history of caste based discrimination. Hindu religious scripts state that the purushsukta of the tenth mandala of the Rig –Veda composed during 1000 to 700 B.C. gave a birth to the concept of caste hierarchy. The Varna system consisting of Brahman, Kshtriya, Vaishya and Sudra was enforced in the society through Manusmiriti during 300-200 B.C. Paswan (1999) opined that Brahman and Kshtriyacollaborated on sharing power as Brahman declared kshtriya to be the incarnation of God and Kshtriyain turn made them the Royal priest. Vaishya and Sudrawere kept out of power. Vaishya were told to indulge in business and agriculture while Sudraswere told to be in the service of the upper caste. This system was then decided by birth to maintain a social order. Slowly, the status of Sudrasdeteriorated to such an extent that was worsening off than animals. It was written in Manusmiritithat it is more of sin to kill a dog, cat or bird and lesser of a sin to kill a Sudra. Sudra was denied of the right to own property or cultivated land. They did not even have a right over their own wives.

Young (2000) argued that political right does not merely mean equality in decision making, but a spirit of inclusion in equal terms. All must have equal rights to express their interests and concerns, at the same time, they should be at the position to question one another and equal effective opportunity to comment and view others' arguments and proposals. However, all this cannot be met until there is free speech without any domination. The reigning ideology of caste system has recognizes Dalits as the lowest rung in the society. A sense of inferiority and superiority on the basis of caste hierarchy has been psychologically entrenched dividing the Hindu society vertically and segmentally. This leads the society towards a hierarchy disintegrating Dalits socio-culturally. Resultantly, Dalits become underpowered and sub-ordinates to the social and political processes of the society. The sub-ordination is reflected for deprivation of executive posts and offices in the local governments. Ranging from political parties, social organizations to the local governments, the decision-making positions are well-captured by non-Dalits. Only the membership position of Dalits in the local governments cannot influence the decision-making processes. Thus, the symbolic representation of Dalits in all spheres of society cannot change the sub-ordination in local politics.

Social exclusion and inclusion are multi-dimensional terms and their definitions, meanings and connotations are context dependent. Social exclusion as a concept has its origin in Europe, more specifically in France, and therefore, the issues addressed in the social exclusion context were specific to Europe. Subsequently, the concept was introduced in India where it has primarily focused on inequalities and exploitation based on membership of particular social groups and is seen in

terms of exclusionary processes based on caste, gender, tribe and religious identities⁵. While concluding, social exclusion describes a process by which certain groups are systematically disadvantaged as they are discriminated against on the basis of their caste, ethnicity, race, religion, sexual orientation, descent, gender and so on where they live. Discrimination occurs in public institutions, such as the legal system or education and development services, as well as social institutions like the household and the community.

It is conveniently argued that caste is one of the oldest and most pervasive forms of social stratification, and results in injustices based on ascribed role differentiation. Caste stratification, traditionally associated with the Hindu religion, is sustained by an ideology that legitimizes inequality according to the status of birth. Interactions between castes is restricted, and the differential privileges and burdens are accorded, according to one's position in the caste hierarchy. The so-called higher castes and more particularly Brahmans, have over time developed rules that helped ensured superior status for themselves in the overall social hierarchy; the British colonizers helped entrench this system.

Arguably, caste is one of oldest and most pervasive forms of social stratification, and results in injustices based on ascribed role differentiation. Caste stratification, traditionally associated with the Hindu religion, is sustained by an ideology that legitimizes inequality according to the status of birth. Interactions between castes is restricted, and differential privileges and burdens are accorded, according to one's position in the caste hierarchy. The so-called 'Higher castes' and more particularly the Brahmans, have over time developed rules that helped ensured superior status for themselves in the overall social hierarchy; the British colonizers helped entrench this system⁶. Historically, caste controls have been most violently enforced on those at the lowest rungs of the caste ladder, the so-called scheduled castes or Dalits. Through daily practices of humiliation and coercion, the ideology of Dalits as 'untouchables' and hence as the others and outsiders to the caste system, persisted. They were viewed as regressive, barbaric and irrational in contrast to those within the caste system. It is important to recognize that social exclusion is a dynamic and on-going process, reflecting 'the dynamic process of being shut out, partially or fully, from any or all of several systems which influence the economic and social integration of people into the society'⁷.

Remedying Human Rights Abuses

Human rights are inherent to all human beings, irrespective of race, sex, nationality, caste and ethnicity, language, religion, or any other identities established in the society. Universally human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more following the socio-cultural, economic and political dignities of the human beings. In indeed, human rights constitute a set of norms governing the treatment of individuals and groups states and non-state actors on the basis of ethical principles regarding what society considers fundamental to a decent life. National and international legal systems incorporate these norms by specifying mechanisms and procedures to hold the duty-bearers accountable and provide redress for alleged victims of human rights violations. Sen (2004) argued that have an ethical concern for just treatment in common, built on empathy or altruism in human behavior and concepts of justice in philosophy. Human rights are further argued as primarily ethical demands...Like other ethical claims that demand acceptance, there is an implicit presumption in making pronouncements on human rights that the underlying ethical claims will survive open and informed scrutiny.

Hunt (2008) claimed that most debates about rights originated in the eighteenth century, and nowhere were discussions of them more explicit, more decisive, or more influential than in revolutionary France in the 1790s. The answers given then most fundamental questions about rights remained relevant throughout the nineteenth and twentieth centuries. The framers of the UN declaration of 1948 closely followed the model established by the French Declaration of the Rights of the Man

⁵ K M Zyauddin & Kasi Eswarappa (2009). *Dimensions of Social Exclusion: Ethnographic Explorations*. Newcastle UK: Cambridge Scholars Publishing.

⁶ Romila Thapper (1979). *Ancient Indian Social History: Some Interpretations*. New Delhi: Orient Longmans.

⁷ Patrick Commins (2004). *Poverty and Social Exclusion in Rural Areas: Characteristics, Processes and Research Issue. Sociologia Ruralis*.

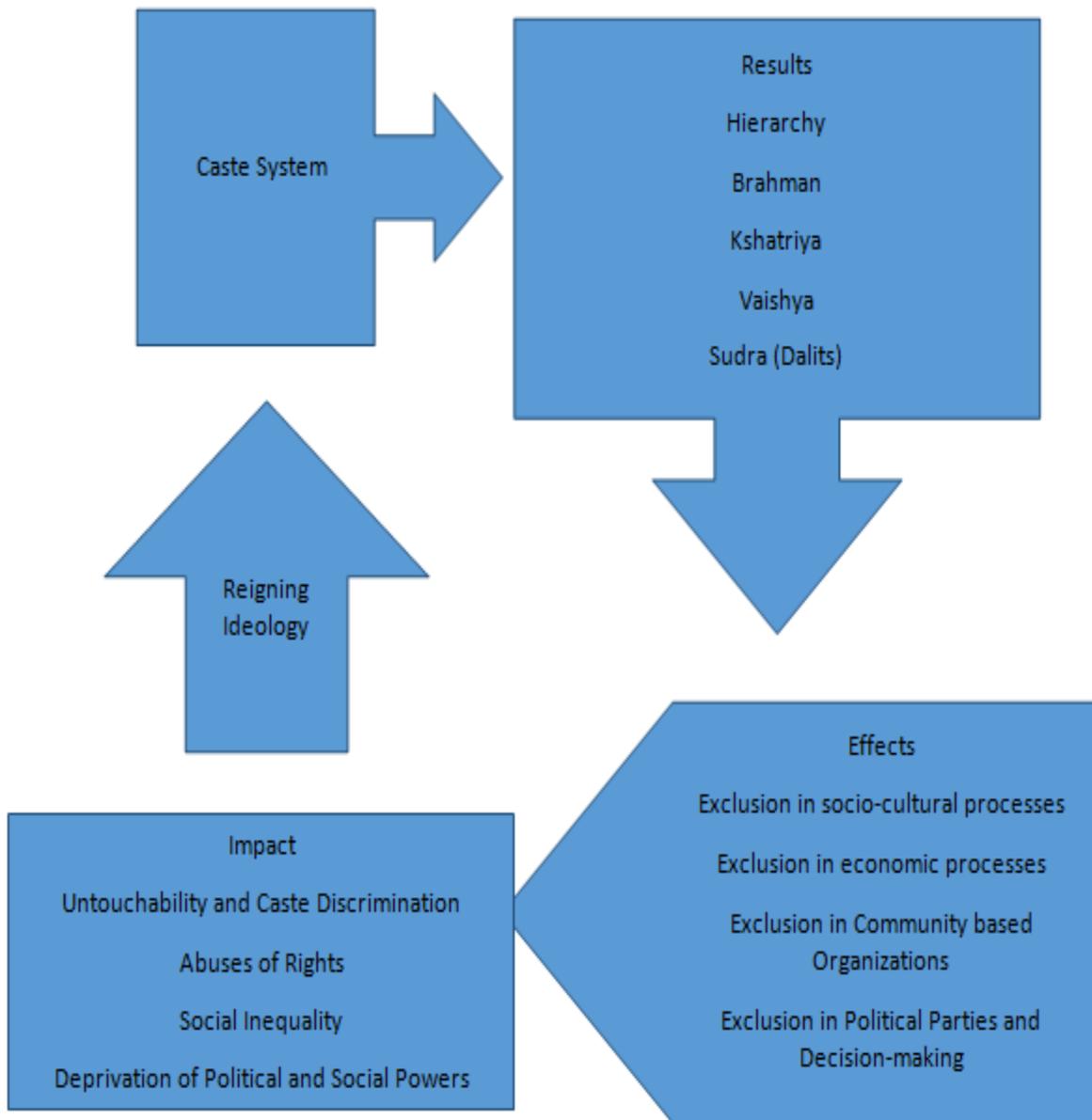
and Children of 1789, while substituting 'human' for the more excluded minorities, and workers has advanced but the gap remains between the theory of human rights belonging to all, regardless of race, sex, language, religion, political or other opinion, national or social origin, caste, property, birth or other status, and the reality of inequality and discrimination. The birth of international human rights movement as such is usually dated at the adaptation of the United Nations Charter (1945) and then the adaptation of the Universal Declaration of Human Rights (UDHR, 1948). Nepal retains its centuries-old caste system. Dalits suffer from the caste system for generations. Dalits are those communities who have been oppressed and marginalized in the worst forms for millenniums in the name of caste, the major practice of social stratification in the Hindu society in South Asia. They are termed as 'untouchables' by the radical enforcers of the extremely rigid caste system. There are twenty-three social sub-caste groups within Dalit communities; there are five sub-caste groups from the hills and mountains, fifteen from the plains and three from the Kathmandu valley⁸. Dalit communities are ecologically divided in Nepal. Regardless of their geographical diversities, a practice of untouchability has been dominating the aspiration extending its adverse effects to all spheres of society. Our society does not treat Dalits equally despite the several political changes in the country.

A core tenet of international human rights system is to redress any human rights harms and to ensure that such harms do not recur. The UN Guiding Principles on Business and Human Rights recognize and place reiteration on remediation ahead respectively. The state's duty is to uphold human rights, investigate and punish offenders (Article 1). The corporate duty is to provide for, or corporate in, remediation for harms that they caused or contributed to (Article 22). Industry, multi-stakeholders and other collaborative initiatives that are based on the respect for human right -related standards should ensure that effective grievance mechanisms for human rights – holders (Article 30). Sustainability standards and similar systems are one such type of multi-stakeholder initiatives.

The Indian constitution has outspoken about equality and social justice. The state shall not deny to any person's equality before the law or the equal protection of the laws within the territory of India under equality before law (Article 14). The state shall not discriminate against any citizen on the grounds only of religion, race, caste, sex, place of birth or any of them (Article 15.1). The constitution has abolished untouchability. Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law (Article 17). The Untouchability (Offences) Act was enacted on 1 June 1955 with a view to eradicate untouchability in the country. The Act imposed a 6-month imprisonment or a fine of Rs. 500 for any person convicted of enforcing the disabilities of untouchability on anyone else of his first offence. The act was amended on 2 September 1976 and renamed Protection of the Civil Rights Act with stringent measures to curb untouchability. It made the willful negligence of complaints related to untouchability by investigating officers as tantamount to abetment.

Theoretical Framework. The study focused on the political theory of caste system that was put forward by NibeyDubais. Resorting to the scholar mentioned, the theory took position that Brahmans wanted to have a full control over the society in order to curb and rule them. Therefore, their political interest created a caste system and later it was advocated by Ghurye (1964) who remarked that the notion of caste was fundamentally based on the segmental division of society, hierarchy, restriction on feeding and social intercourse, civil and religious disabilities and privileges of different sections, restriction on marriage, and lack of unrestricted choice of occupation. This way of caste division created a huge gap between Dalit and non-Dalit sections in Nepali society pushing Dalits towards a marginal space (Ibid). Having discussed on the theoretical framework, the conceptual framework of the study is given below;

⁸ International Labor Organization (2005) mentions that Dalits are discriminated socially and culturally in Nepali society. The all spheres of the society keep them in isolation. The hill and mountain Dalits include Kami, Damai, Sarki, Gaine and Badi whereas the Terai Dalits include the sub-caste groups such as Chamar, Musahar, Dusadh, Tatma, Khatwe, Dhobi, Batar, Chidimar, Mali, Dom, Halkhor, Patharkatta, Pangadiya, Bhahat, and Newar Dalits from Kathmandu valley include Pode, Chyame, and Halahulu.



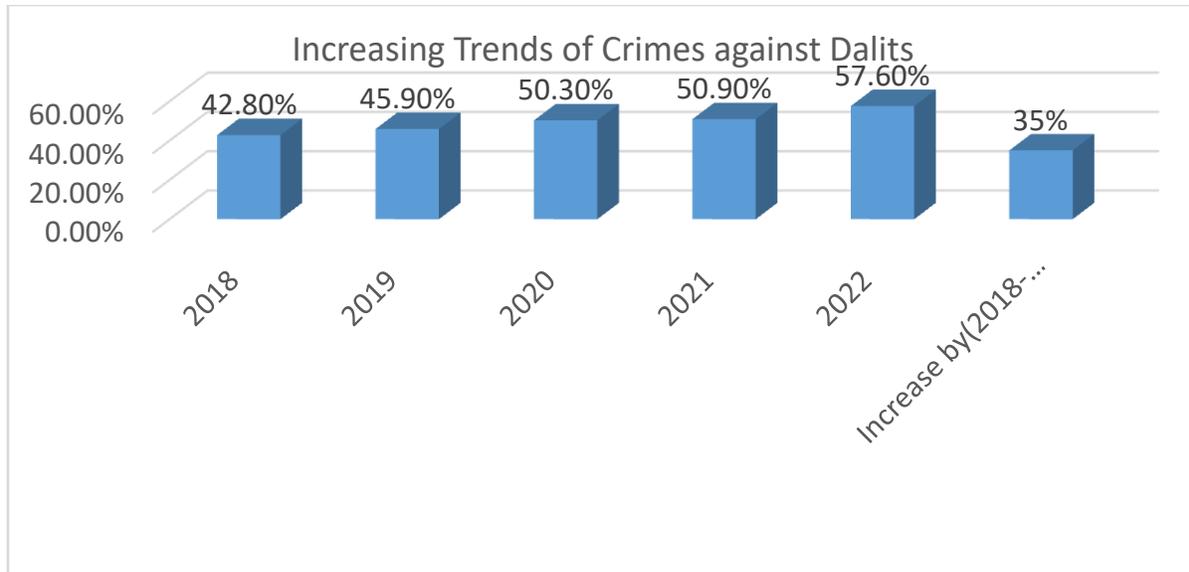
RESULTS/FINDINGS OF THE STUDY

Discrimination at Levels

Over 1.8 lakh case of crimes against Dalits were registered between 2018 and 2021. In the same time period, 27,754 persons were convicted in the cases. As many as 1, 89,945 cases of crimes against Dalits in four years beginning 2018.

The highest number of cases for crimes against Dalits have been registered in Uttar Pradesh with 11,924 in 2018, 11,829 in 2019, 12,714 in 2020 and 13,146 in 2021(NCRB 2021). More than 57,000 crimes against Scheduled Castes were reported in 2022, at an average of 158 daily. Such crimes increased about by 35 percent between 2018 and 2022(NCRB 2022) (Chart1)⁹.

⁹National Crime Records Bureau(2022).



The inherent ideology of caste system creates exclusion of Dalits at all levels of society as they supposed to be subordinates in a hierarchy of a caste system. Dalits are socially unequal compared to the other caste groups, culturally disintegrated, economically deprived of resources and opportunities and politically underpowered. Human rights abuses are common to Dalits ahead. Dalits face physical harms. The unsafe conditions at work lead to the injuries. Discrimination divides people and leads to conflicts harming to relationship. Economic harm is round the corner. Dalits are unpaid or underpaid workers end up with little food and unfit housing. They even face environmental harm, harm to mental health and harm to a person's identity. The state does not necessarily recognize the terms and officialdom rather refers these large communities as scheduled castes, alluding to the provisions of the Indian constitution that has a schedule of communities listed for positive discrimination in state welfare initiatives.

The concept of caste and religious discrimination are supposed to be a ban on the path to progress in India. Over the centuries, the India society has been divided on the basis of caste and religion (Malhotra et al., 1977). The caste and the religion are integral components of an Indian society since the time immemorial. These two systems create water tight compartment between communities and bring division, hatred and tension among various social groups. Marriages within the same caste and the same religion is norm of Indian society. The aspirations of marriages between the different castes and religions is difficult and socially unacceptable proposition. The previous notion of caste system that marriages are merely possible in the same community and caste has been entrenched in Indian society as of today. Those who dare for the inter-caste marriages by violating the social norm have to face the consequences in terms of violence, social boycott, and family boycott and honor killing of the boys and girls. Children from Dalit communities face discrimination at schools from their teachers and peers. Due to the prejudiced mindset derived from a reigning ideology of caste system, teachers provide less care to Dalit children, who are addressed, in a rude manner, and are placed in separate lines and seats and so on. Ultimately, these students fall behind in learning achievements and often dropping out. In turn, the educational achievements have a multiple impact of social and political life of Dalits and remain adverse to human development. The segregation of Dalit students are apparent. Teachers in Indian schools are from upper caste males and females who have not internalized a meaning of dignity and social justice in practice. Dalits are discouraged from becoming teachers and occupying higher executive positions in schools as non-Dalit community does not want to pay respect to Dalits¹⁰.

Law Enforcement Agencies: Reluctances

Police often refuse to lodge complaints, and exert pressure on victims to reconcile with the perpetrators. Dalits are killed and beaten up severely. The law enforcement agencies were found to destroy the evidences under political influence. The first and the second cycle of the Universal Periodic Review (UPR) had made a host of recommendations to eliminate caste-based discrimination and untouchability in India but not implemented seriously. It however, continues to implement them in a variegated manner and has not effectively implemented many of its recommendations and concluding observations (Interview 2023). A High-level committee had been formed to ensure the implementation of UPR recommendation. However, it is not functional. The provisions of the proportional representation to the Dalit community in

¹⁰Manju Harijan, Interviewed by Upendra Bahadur B.K. 18 October 2023.

state mechanism continues to be an abysmal. The representation of scheduled caste in legislature, executive and judiciary is minimal¹¹.

Social inclusion is considered to end social exclusion. First, the agenda of social inclusion demands an end of status quo of inequality. Its objective is not only the creation of social solidarity in the sense of assimilation: social solidarity may address social exclusion but cannot necessarily change the unequal power relations present in the society. On the contrary, it is possible that coercive social harmony makes possible a continuation of inequality. Inclusion under the conditions of dominant social group in the name of social harmony and solidarity thus can legitimize existing exclusion. Inclusion aspires for solidarity based on equality with difference. Second, social inclusion requires that problems be resolved based on the principles of equality. It is not enough to declare the inclusion of groups suffering racial discrimination, untouchability and ethnic-linguistic discrimination. Special measures like affirmative action, reservations and a compensation for historical oppression by the dominant group should be in place to change unequal relations into equal ones. Additionally, it advocates social equality through enactment and implementation of non-discrimination laws. Third, social inclusion does not mean assimilation into the mainstream of the dominant culture. Often in the name inclusion, groups that are discriminated against on the basis of caste, ethnicity, religion, language and so on. Ending exclusion by such means gives birth to another type of cultural exclusion. The essence of inclusion lies in the respect of identity, sociability and culture of other people. Thus, in other words, social inclusion does not mean creation of a uniform society with the same contour color without plurality. Instead, it regards plurality as the basis of human civilization both because plurality is a fact and it should be treated as an ideal.

Crimes against scheduled castes clearly state that inter-caste married couples faced violence and discrimination and the police, who is one of the law implementing agencies and has the responsibility for the justice and protection of the inter-caste married couples and their family, is sometimes found supporting the majority (higher-caste) groups and not the Dalits which is a serious challenge for the inter-caste married couples in the justice process. The caste system in India continues to influence society regardless of the policies in place abolishing it. Predominantly, Dalits and other lower caste members are subjected to numerous human rights violations that effects every aspect of their life. Throughout the essay I maintained the stance that caste based discrimination continues to create and sustain social conditions that deprive the Dalit community of basic human rights.

The caste system is a complex system of rights and opportunities assigned to specific population of individuals. Lower caste members are forced to take on the most responsibility coupled with the least amount of rights. As a result, an estimated above three million Dalits live in subpar conditions and are subjected to many forms of discrimination. The goal of this essay is to help bring more awareness to the issue of human right violations, which would benefit the Dalit community. As international citizens, it is our duty to ensure every person lives free of discrimination and has the same opportunities to reside in a safe environment that promotes growth. It is unacceptable that in our globalized society this form of mass human rights violations still exists. There is no better time than the present to finally abolish the inconceivable discrimination Dalits face every day of their lives.

The division of a society into castes is a global phenomenon not exclusively practiced within any particular religion or belief system. In South Asia, caste discrimination is traditionally rooted in the Hindu caste system, according to which Dalits are considered 'outcasts'. However, caste systems and the ensuing discrimination have spread into Christian, Buddhist, Muslim and Sikh communities. They are also found in Africa, other parts of Asia, the Middle East, and the Pacific and in Diaspora communities.

Problems of Implementation of Fundamental Rights for Dalits

Political parties are the key institution in democratic practice. Political parties are perceived as a group of people who have joined forces to pursue their common social and political goals. Parties have been formed in all societies and states where the population actively participates in the political process. Political parties serve as a primary link between the government and society. As such, they have a unique role in fostering democratic governance ensuring that is responsive to societal needs. If they fail in this role, true democracy has a little chance of surviving. It is further argued that political parties help turn citizen interests and demands into policies and law. However, if they fail in this mission, the whole democratic

¹¹ Rup Sunar. (2023). *A Phenomenological Interview*. The interview was taken with him on 25 December 2023 on recent updates on the performance and role of the law enforcement agencies for Dalit human rights. As a Dalit activist, he mentioned that the implementation of laws and policies against caste discrimination and untouchability seem to have been unimplemented effectively. Only the rhetoric is round the corner and Dalits are everywhere subject to discrimination and subjugation despite the laws and policies.

experiment can disintegrate¹². Despite the established theoretical insights on the political parties, Dalit exclusion reverses it. Parties aggregate diverse demands into coherent political programs. They then translate these programs into effective collective action through elections and legitimated control of political office. Yet they face a crisis of representation. The development of political parties into a bureaucratic organization clearly informs the information and decisions up and down. The hyper-bureaucratization becomes inclusionary and exclusionary at the same time. The inclusion and exclusion dynamic within the parties centralizes power in the hands of a small coterie of the party apparatchiks in the control of organization. The centralization of power not only marginalizes the rank and file and support base of the party; it also breeds a personality cult whereby the party leader becomes synonymous with the party and vice-versa¹³. Many Dalits view the political parties are inaccessible and unresponsive to the concerns of the group. Parties pose specific challenges for Dalits who face both formal and informal barriers to participation –including opaque nomination procedures, subordination and mono-inclusive cultures. Barriers to effective citizen participation hamper community decision-making processes. Unequal power relations are an unequal system or situation in which it gives more power or privileges to one person or group of people than to others. The caste system has created unequal power relations between Dalits and non-Dalits in the society. The exclusionary mechanism of caste system hardly provide a space for Dalits to choose and influence the agendas.

Civil society seeks to strengthen the consciousness and mobilization capacity of excluded groups, such that they will be willing and able to stand up for their rights and entitlements. In the society, Dalits are compelled to live on humiliating power relations. The domination of leadership in the civil society is hailed from non-Dalits. As the society is divided on the caste lines. The civil society organizations directly and indirectly work for non-Dalits. Promotion of citizenship and social inclusion falls on the part of civil societies. This process can contribute to developing the potential for collective action and popular claims-making and strengthening a sense of citizenship and social inclusion. The role to enhance the empowerment of marginalized groups making a sense of citizenship falls on the domain of civil society, however, the divided societies on the caste lines do not favor Dalits exclusively to get the stakeholders influenced on their demands and aspirations of development. This is because of a sense of realization on Dalits is lacked by the non-Dalit leadership in the organizations. It has been explored the degree to which CBOs serve as political actors or otherwise act as representatives of marginalized populations. The caste based society has made the CBOs and social organizations inherit the legacy of unequal power relations created by the caste system. The reflection of high castes people is observed in the organizations. The composition of high castes people leadership does not work for empowerment of the marginalized sections of society. It serves to the structural inequality of the social and political system. Democracy establishes a normative foundation for political equality. Yet the dominance of the elites over the masses, and the systematic exclusion of particular social and economic groups from the influence on, and outcomes of, important decisions, manifest in political inequality. Rulers are referred as elites that is, a majority of individuals who, due to the concentration of material and symbolic resources of power, and because of their privileged structural and political position, have the capacity to make important community and societal decisions or to influence those decisions. There is no deliberative democracy as the local level decision-making processes are well-captured by the local elites. Dalits are not in leadership positions in local governments. Only the elected members from Dalits cannot influence the decision-making. The first reason is that the norms of deliberative democracy are not followed at all steps of local level planning. Therefore, Dalits are deprived of the meetings and discussions. The second reason is that as Dalits are not in leading positions of local governments, non-Dalits having leading positions decide agendas and make decisions taking nominal suggestions of their coterie.

Several political changes have taken place in India since 1947 till now. However, a vertical division of society in the name of caste system has been working in the society systematically. Untouchability is a key form of caste discrimination that refers to the humiliations imposed, from generation to generation, on a particular but sizable section of the population that relates to impurity and pollution¹⁴. The caste system has consolidated a systematic exclusion in the institutional level. In the socio-cultural processes of society, Dalits are put to the lowest rung. So-called upper caste people do not perceive them as sub-ordinates. Dalits are excluded in the community based organizations due to the influence of the exclusion on socio-cultural processes. This leads to the exclusion of Dalits in political parties. The overall impact of exclusion of political parties leads to the exclusion of Dalits in getting opportunities of political posts. Consequently, it creates a situation of Dalit exclusion in decision-making levels of the state¹⁵.

¹²A Kellman (2004). Democracy Assistance in Practice: The Designing of a Political Party Training Program in the Republic of Kenya.

¹³Raju Dhobi, Interviewed by Upendra Bahadur B.K. 27 December 2023.

¹⁴Radhamany Sooryamoorthy (2008). *Untouchability in Modern India* 23(2) 283-293. International Sociology.

¹⁵UmaHarijan, Interviewed by Upendra Bahadur B.K. 27 December 2023.

There a widening gap between the law and implementation. The duty-bearers do not take a crime of untouchability and discrimination seriously as they indulge into the influence of caste line polarization in the society. The victims of untouchability and discrimination are overwhelmed to compromise with the perpetrators in the society. As there is no meaningful participation of Dalits in law enforcement agencies on the one hand and no progressive realization in law enforcement agencies against untouchability and caste discrimination on the other hand, Dalits are compelled to bear atrocities and discrimination¹⁶. The existence of caste system has left a legacy that Dalits are sub-ordinates to the society to serve to the rest of the society rather than to lead and collaborate. The community based organization are sprung from the over representation of so-called high caste people as the practice that high caste people have capacities and strengths to lead the social and development affairs. Dalits are mobilized and directed to work through physical laboring in the social and developmental affairs in accordance with the commands and orders of the community leaders hailed from the high caste. The decision-making is accessed and controlled by the community except Dalits and Dalit representation in the community based organizations is symbolic and only for to follow the domination (Phenomenological Interview 2023).

The civil society organizations and networks are indifferent to advocacy for implementation of fundamental rights envisaged for Dalits. The decision-making levels of the organizations are well-captured by non-Dalits and Dalits are represented in the membership positions to complement a formality of inclusion. The sufferings and abuses of fundamental rights of Dalits are not made the agendas of meetings and decisions. During the meetings of Community-based organizations, Dalits were treated as untouchables and non-Dalits did not take water and tea with them. Those who opposed to the injustice were threatened and intimidated by the chairpersons and local leaders. The discrimination is prevalent in the society from then till now¹⁷. Even the educated, socially and politically height gaining personalities in the society cannot go against the untouchability and discrimination as has been criminalized. The lawyers and advocates have a crucial role in protecting and promotion of justice through advocacy for marginalized sections. Contrary to the assumption, the lawyers and advocates seem to be equally responsible for a compromise on untouchability and discrimination cases shouldering with caste lines in the society. The leaders of political parties and social organizations use lawyers and advocates as intermediary to normalize the case¹⁸.

Dalits have been bearing subjugations and discriminations for generations due to the unequal power relations created by caste system. Dalits are not empowered themselves for their group rights. The low level of empowerment is seen in the society that cannot change unequal power relations. Besides, Dalits are divided by 'divide and rule' formula of caste system. Hence, Dalits are unable to influence duty-bearers for policy-influence¹⁹. The state as well as the society is said to be zero-tolerant against untouchability and caste discrimination. There is a gap between the commitment and performance. The society has been witnessing that the crime of untouchability and discrimination is supposed to be a civil dispute seeking solutions through mediation. Even non-violent communication is sought in mediation between the parties. The local leaders and power elites further discriminate Dalits through intimidation and power influence even on the criminal cases. It is easy to know to what extent our society is being entrenched by a reigning ideology of caste system²⁰.

Implications of the Study

The political change is unable to imbibe a sense of progressive realization for implementation of fundamental rights of Dalits in India. Despite lack of implementation of the fundamental rights, Dalits are discriminated and subjugated over the years. The law enforcement agencies of the state are over represented by Non-Dalits and Dalits do not have their access and control over the law enforcement agencies. Dalits do not get justice properly on the cases of untouchability and caste discrimination as the law enforcement agencies are influenced by the caste line polarization in the society. As Dalits are underrepresented in community based organizations and political parties from decision-making point of view, the voices of Dalits against untouchability and caste discrimination are less amplified from law execution point of view. There is no alternative left rather to empower Dalits for group rights. Dalits are not empowered for their group rights to change unequal power relations in the society. Dalits are further divided by local elites and politicians using 'divide and rule' formula of caste system. The study found that the law enforcement agencies, local power elites and so-called Dalit leaders had collaborated to diffuse the cases against untouchability and caste discrimination. It further found that so-called Dalit leaders were compelled to follow a trend of compromise on the criminal cases as the pressure and orders given by political leaders and elites were beyond their capacities. In order to build our society egalitarian and just, the unequal power relations can be changed through group empowerment and progressive realization. The civil society organizations have to work for policy-

¹⁶GomaPasi, Interviewed by Upendra Bahadur B.K. 20 October 2023.

¹⁷Hora Dhobi, Interviewed by Upendra Bahadur B.K. 19 October 2023.

¹⁸HemaMusahar, Interviewed by Upendra Bahadur B.K. 19 October 2023.

¹⁹BidhyaHarijan, Interviewed by Upendra Bahadur B.K. 19 October 2023.

²⁰Dharma Dhobi, Interviewed by Upendra Bahadur B.K. 19 October 2023.

influence for fundamental rights envisaged for Dalits in the constitution of India. As of today, Dalits are politically underpowered, socially unequal, culturally disintegrated and economically deprived of resources. As a result, the voice of Dalit community is weak in all spheres of society to influence the duty-bearers on one hand and the society is caste biased in indeed. Power relations refers to the relationships in which one person has social-formative power over another, and is able to get the other person to do what they wish whether by compelling obedience or in some less compulsive and even a more subtle way. The caste system power relations still dominate the society in India and Nepal. The outstanding lines of caste system constrain political changes and the subsequent democratic ideals. From socio-cultural point of view, Dalits are the lowest rung on the hierarchy of caste system and the reigning ideology entrenched over the centuries excludes and disintegrates Dalits in socio-cultural processes of a society in different forms and practices. It is reflected in political and social organizations.

Recommendations

The constitution of India has abolished untouchability and caste discrimination in 1950. In addition to the constitutional stance, India has signed a number of international human rights treaties to ensure equality and justice for protection and promotion of human rights. Despite the fact, Dalits are subject to untouchability and caste-based discrimination in all spheres of the society. There are gaps between the commitment and the performance in terms of combating untouchability and discriminations. India is one of the largest democracies in the world. Only the India free from caste discrimination and untouchability can add its democratic relevance to the entire world.

- The socio-cultural processes in the society are exclusionary from Dalit point of view. Dalits are supposed to be the lowest rung in a hierarchy of a caste system. The local stakeholders with political and social identities should work to challenge to caste based discrimination and untouchability.
- The human rights organizations and networks should work more actively to the cause of Dalit empowerment to influence the policies and programs enacted against untouchability and caste discrimination.
- The collaboration between the academic institutions and community people is a bedrock to research and dissemination of issues related to social justice and abuses of human right. The human rights networks and the academic institutions should work concomitantly to ensure a situation of social justice through dissemination and advocacy of knowledge.
- The caste system creates a compartment of unequal power relationship in the society. It is applicable to the socio-cultural, economic and political processes of the society. The sub-ordinate section of society cannot be supposed to be equal footing with the rest of the sections in a vertical hierarchy of a caste system. In order to break down the unequal power relations, the state should be more proactive to implement Dalit friendly critical awareness and capacity building programs by mobilizing non-Dalit sections in the society. Thus, the progressive realization can be imbibed.
- The well founded tendency of caste system is that Dalits are supposed to the followers and sub-ordinates to non-Dalits be they are educated or uneducated. The society is reluctant to recognition of Dalits performing different roles in the society. The local, state and central authorities should facilitate the deliberations and discussions to the Dalit cause while making programs and policies.
- The paper paves a foundation to further research on the causes of Dalit exclusion in social, political and cultural processes despite the political changes. It is necessary to research on the hindrances of acceptance of Dalits in society.

REFERENCES

- [1]. Baral, L. R., Hachhethu, K. & Sharma, H. (2001). Leadership in Nepal, Delhi: Adroit Publicans.
- [2]. Borre, O., Pandey, S. R. & Tiwari, C.K. (1994). Nepalese Political Behaviour, New Delhi:
- [3]. Berreman, G.D. (1967). Stratification, Pluralism and Interaction: A Comparative Analysis of Caste. In R., A., and J.K. (Eds.), Caste and Race. London: J and A. Churchill Ltd.: Sterling Publishers Private Limited.
- [4]. Gupta, D.(2000). Hierarchy and Difference: An Introduction. In Dipankar Gupta (Ed.), Social Stratification. Delhi: Oxford University Press.
- [5]. Flyvbjerg, B. (1998). Rationality and Power-Democracy in Practice. Chicago and London: The University of Chicago Press.
- [6]. Ghurye, G.S. (1964). Caste and Race in India. Bombay: Popular Prakashan.
- [7]. Lawoti, M. (2005). Towards a Democratic Nepal: Inclusive Political Institutions for a Multicultural Society. New Delhi: Thousand Oaks, London: Sage.
- [8]. Malhotra, S.P. & Trivedi, H.S.(1977). Caste Hierarchy and inter-caste relations in an arid zone village. Indian Journal of Social Work, Vol. 38(4):12-20.



- [9]. Paswan, R. V. (1999). The History of Dalit Minority. In SantoshBharatiyaed. Dalit and Minority Empowerment. New Delhi: Raj Kamal Prakashan.
- [10]. Sen, A. (2009). Idea of Justice. MW: USA.
- [11]. Sharma, G. (2005). Intra Dalit Discrimination. Kathamndu: LANCAU, Nepal.
- [12]. Young, I. M. (2000). Inclusion and Democracy. Oxford: Oxford University Press.
- [13]. Vebra, S., Schlozman, K. & Brady, H.E.(1995). Voice and Equality: Civic Voluntarism in American Politics. Cambridge: Harvard University Press.