

# Human Rights Perspectives of Indian Dalits: An Overview

Rajashekara P. B

Assistant Professor of Sociology, Government Arts, Commerce and P G College (Autonomous)  
Hassan- 573201, Karnataka

---

## ABSTRACT

*Human rights are birth rights innate to all persons irrespective of their caste, creed, religion, sex and nationality. Human rights are sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights. The first democratic expansion indicated the rise of backward classes during the 1960s-1970s. India's independence movements were never exclusively against the British, but also against its own graded inequality originating from the caste system. Universal Declaration of Human Rights 1948 article 1 states that 'all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'.*

**Keywords:** democracy, Parliament, dalit, woman, girl, casteism, caste, human, rights and untouchability

---

## INTRODUCTION

Democracy in India has become internal to the common people's consciousness; it is a model of society approved by the people. It has not solved the problems of the poor. It has provided them food and shelter, but it has given them a space to fight for their dignity, rights and entitlements. The right to vote, in a sense, flattens hierarchy and equalizes people, it enables the unprivileged to transcend their social location, and it gives them a sense of power that they never experience in social life. Human rights are undeniable. They should not be taken away, except in specific situations and according to due process.

The nation is increasingly reconceived as a complex unity with multiple centers, varied voices and democracy has to allow space for the articulation of these many voices, without experiencing the anxiety of death. In India, caste groups ensure their durability in an era of multiculturalism by officially representing caste as cultural difference or ethnicity than as unequal descent-based relations. The terrain of culture captured by a new grammar of caste revitalizes caste as communities so that the culture of caste is produced, organized and naturalized in the process of transforming caste into society. Castes are shown to not be homogeneous cultural wholes but sites of hegemony where class, gender and hierarchy over determine the meaning and materiality of caste.

Human Rights were solemnly proclaimed as universal by the United Nations on December 10, 1948. Today, a large number of countries have joined the international body and accepted this declaration as the veritable Magna Carta. The concept of human rights is though as old as the ancient doctrine of natural rights founded on natural law, the expression human is of recent origin. It is only natural rights, which eventually lead to the formation of human rights. Human rights are those minimum rights, which every individual must have against state or other public authority by virtues of his being a member of human family, irrespective of any other consideration. The present world Schedule scenario has witnessed a dramatic rise in the violation of human rights all over the globe and India is no exception. The human rights violation of Dalits is one of major problems of this country. In the last 59 years of India's independence the Dalits in India have been targeted. They are denied access to land forced to work in degrading conditions, and routinely abused at the hands of the police and upper caste community members who enjoy the state's protection. Caste motivated, rapes and other abuses are a daily occurrence in India. Between 2001 to 2002 close to 50,000 cases were registered under the SCs/STs prevention of Atrocities Act. The dalit oppressed socio-economically, politically, religiously, culturally and they are also known as Schedule Caste, Schedule Caste tribes, Dasyas, Avarnas, untouchables, Harijans, Girigans, Dasas, etc. discrimination against them in all pervading and has religious sanction.

The Indian Constituent guarantees to all citizens, the fundamental rights and the equal protection of the laws. It provides a number of safeguards to dalits to ensure their all round development and protection against all kinds of exploitation the dalits in India. But most of the provisions of the constitution have remained only on paper because their implementation has been faulty half hearted and inadequate and inequality, discrimination, exclusion and stigmatization can jointly contribute to the utter marginalization of scavengers in India. No doubt, dalits were never given any human rights or treated with dignity, hence cannot be restored to them as such.

Caste as a political category is unique. Unlike perceptible identities like colour or race -caste is a product of self-categorization and depends largely on people's perception of themselves. For this reason, it is also not static. Since the 1931 census, there has been over two-three generations of fission, re-location, and adoption of new rituals amongst social groups. The Census is designed to collect observational data, and not information based on the perceptions of the respondents or self-categorization. A demographic exercise which is targeted towards collection of observable data cannot be transformed to a social science fieldwork. Besides, India is home to a large number of sub-castes with nomenclature variations across regions. Census officials are simply unsuited to note the various nuances which are present within the various castes.

The caste census was last carried out fully in 1931. The 1941 Census, the last to be conducted by the British, was constrained by the War-time economies and did not tabulate any data except the basic population totals and community totals. Pursuant of the policy of the Government of India is to discourage community distinction based on Caste, the 1951 Census marked a complete departure from the traditional recording of Race, Tribe or Caste and the only relevant question on caste or tribe incorporated in the Census Schedule was to enquire of the person enumerated was a member of any 'Scheduled Caste', or any 'Scheduled Tribe' or any other 'Backward class' or if he was an 'Anglo Indian'. In 1961 and 1971 Censuses, the information was collected only for each Scheduled Caste and Scheduled Tribe.

Media always criticized casteism in TV. And conferences, but have been collecting the caste based data in their organization. The caste always remains in our mind which has been framed by Hindu literature. It has background in post colonial state even, but when the state and its policies pronounce a man by its Dalit category then caste becomes stronger than its removal. In 1997, the Ramachandra Rao Commission of Andhra Pradesh, decided to classify its scheduled caste population into A, B, C, and D categories and fixed a specific quota of seats against each of the caste categories. Elsewhere, the scheduled castes of Punjab are divided into different communities with distinct social identities and experiences of economic development. The government of Punjab introduced a twofold classification of its scheduled caste population. In 1975, the state government declared 50 Percent of the vacancies of quota reserved for scheduled castes, namely, to Balmikis and Mazhabis Sikhs. The state government of Haryana too decided in 1994 to classify its scheduled caste population into two categories, A and B.

In India, majority of the Dalits demanded increasing intervention from the state, which they see as a more reliable option as far as their welfare is concerned. Although Dalits through their labour, transform the state from being a more abstract entity into a concrete reality, they find themselves pushed to the margin of the state. The relationship between Dalits and the state becomes one of the mere patronages and is so oppressive in the sense that Dalit tend to internalize their inferiority vis-a-vis the state. Being at the receiving end of the state patronage, distribution of the resources is transferred through the mediation of the state as part of the mandate of the social context.

The misdoings of the civil society vis-a-vis Dalits should also be attributable to the state. If Dalits are still continuing in slavery, it is due to the failure of the Indian state to implement land reforms and give land to the landless, to provide quality education equitably to all children as per its commitment to the nation. The Constitutional (Scheduled Castes) Order 1950, paragraph 3, unfortunately defined a scheduled caste in terms of religion and not in terms of social and educational backwardness. Dalit practicing Christian faith are excluded from the scheduled castes category. If we look at the living condition of all Dalit Christian, there is no difference in economic or social condition than other Dalits. Those Dalits, who profess Christianity, Islam, should also be treated as Dalit with full of benefits that come under scheduled caste category. It is irony that just by practicing their faith of choice; Christians are excluded from all the benefits that they originally enjoyed as Dalits in a Democratic and Secular country like India. In other words, the Indian state seems to be telling the Dalits if they want to derive scheduled caste benefits, they should strengthen the Hindu caste order by remaining in it.

Caste, class and gender discrimination prevents Dalit women from enjoying their basic human rights, particularly related to dignity, equality and development. Atrocities and violence against Dalit women are both a means of sustaining systemic discrimination, as well as a reaction when particularly untouchability practices and caste norms are challenged or not adhered to. Impunity for this discrimination and violence is then used as a means to preserve the existing caste and gender disparities. Before Dalit women can enjoy their human rights, and before the Millennium Development Goals can be achieved, discrimination, violence and impunity must stop. “ The Central rights-claim expressed by the movement,

however, relates to the rights of minority culture, most passionately defended in 29<sup>th</sup> report of the commissioner for Schedule castes and Schedule Tribes” ( V ramachandran, 121-122)

Reservation as a policy instrument is a poor substitute for ensuring equality of opportunity, whether in educational institutions or in jobs or in Parliament. But having said that, it is nothing but hypocrisy when a political class that regards reservation as an answer to social discrimination suffered by SCs, STs, and now OBCs, argues that it is not an answer when it comes to increasing the presence of women in Parliament. The passage of the Women's Reservation Bill in the Rajya Sabha is a momentous, heartwarming step for India. There are several misgivings, which are not unexpected because of the unprecedented nature of the proposed law. For instance, the 33 percent reservations for women mean that 181 of the 543 Lok Sabha seats, including 40 for Scheduled Castes or Dalits and Scheduled Tribes of adivasis, will be set aside for women. Since another 82 seats are already reserved for the Dalits and adivasis, it will leave only 280 seats in the unreserved category although women may contest these as well.

Moreover at local level, there are separate quotas for Dalit women, aside from quotas for Dalits and women in general, meant to facilitate their inclusion in local governance. It is true that the quota system has resulted in being over 100,000 Dalit women elected representatives across the country today. Unfortunately, however, political representation through quotas has not led to effective political participation for the majority of Dalit women. The main obstacle is the multiple discrimination these women face arising from the entrenched caste hierarchy, chronic poverty and patriarchy.

Having occupied the lowest rank in the social hierarchy, Dalit women, generation after generation have been the victim of age old practice of untouchability and gender discrimination, because of the consequential social and economic disabilities, women are discriminated against three times over: they are poor, they are women, and they are Dalits. Social exclusion, lack of effective legal protection have kept the Dalit women at subhuman living conditions for centuries. During early Vedic period women enjoyed equal status with men in all walks of life. It was mainly because education was imparted to women without any discrimination. There is a mention of women seers, notably Cargi and Matreyi, in Rig Veda and Upnishads. The status of women, however, declined with the Smritis and the Islamic invasion of Babar and the Moghul Empire and later on Christianity cutting bit by bit the freedom and right of women.

Dalit women in India face the triple burden: caste, class and gender. They suffer more from harassment, oppression and exploitation than their upper caste counterparts; Dalit women continue to suffer sexual exploitation of dominant caste. The women in general are having 30% reservation in Panchayat and local bodies. If any dalit woman becomes representatives of the people or she has contested election then she has to face wrath of untouchability and exploitation to large extent. According to Dr. D.N.Majumdar, “Untouchable castes are those who suffer from various social and political disabilities, many of which are traditionally prescribed and socially enforced by higher castes.”( Chakravarti, Uma, 47 ) Even the police exploit the Dalit women to inflict suppression or for curbing protest movement of dalits. In southern states Dalit women are forced into prostitution in Devadasi System

India is a Party to the International Covenant on Civil and Political Rights. Based on this treaty, the Government of India has an obligation to make sure that Dalit women can enjoy a whole range of human rights, such as the right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment, freedom from slavery, the right to be equal before the court, the right to recognition as a person before the law, the right to privacy, the right to marry only with free and full consent, and the right to take part in public affairs. The life and dignity of Dalit women depends on the realization of these human rights. However, they are breached systematically. An essential precondition for the realization of civil and political rights of Dalit women is registration. Article 24 (2) of the Covenant provides that every child shall be registered immediately after birth. In India, 46% of all children are not registered. There is also no system of registration of marriages. This is not only a barrier for the realization of civil and political rights; it also prevents the protection of Dalit girls from sexual exploitation and trafficking, child labour and forced and early marriages.

The above analysis has attempted to understand the nature of caste system in India. Caste system should not be identified merely as ideological or superstructure, neither should it be identified simply as a cluster of concrete and interacting jatis. Caste system is set of a kinship like social practices and the rules that surround them, the former are material, the later are ideological but in the sense of often unconscious rules of behavior as contrasted with a conscious system of ideology. This politicization of caste is found to be even more disconcerting with the changed focus of claims and demands on the part of those who press their caste identities from economic advancement to social status and political power. Today, the need of the hour is to shake off conservatism and have to feel the pulse of time. Our own narrow-minded bigotry has resulted in the widespread practice. If Hinduism is to live, untouchability must die. Swami Vivekananda said every morning, “If untouchability lives, Hinduism will die.”( Sharma, Arvind, 111 )



Casteism today is more pronounced than it even was. Untouchability remains abolished only in theory with frequent newspapers reports of Dalits being denied entry to temples or other public places. Violence has been taken a serious turn in country, Bandhs, strikes and terrorist activities have become a common affair. Every sphere of national life is corrupted. Our democracy is capitalistic. Here, the rich exploit the poor who have no voice or share in the democratic structure. For a successful democracy, all these need to be checked. But India, as a democratic country, has progressed in many aspects. It has achieved self-sufficiency in food grains as a result of the green revolution.

### **CONCLUSION**

Those who strive for the democratic transformation of Indian society, irrespective of political ideology, have to fight against the prevalent caste system. Despite certain reformatory movements and Bhakti movement the women of India were confined and restricted to their homes. Women underwent almost a kind of servitude during the medieval period and their position went on improving during the British period and after independence. Both the structural and cultural changes provided equality of opportunities to women in education, employment and political participation. With the help of these changes exploitation of women, to a great extent, was reduced.

### **REFERENCES**

- [1]. Ajaya Singh ( 2012) Human Right in New Millennium, Pacific Publication, Delhi
- [2]. Chakravarti, Uma (2003), Gendering Caste Through a Feminist Lens, Popular Prakashan, New Delhi
- [3]. Sharma, R. S. (1990), Śūdras in Ancient India, Delhi: Motilal Banarasi Dass
- [4]. Sharma, Arvind (2000), Classical Hindu Thought: An Introduction, Oxford University Press,
- [5]. V Ramachandran ( 2009) Human Rights and Economic Development, Abhijeet Publication, Delhi