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Human rights and socially weaker sections status

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Abstract

Human Rights are come into existence through the international laws and treaties. In our Indian Constitution adopted Human Rights provisions from universal declaration of Human Rights and they are preserve and protected by the constitution of India, judiciary, National Human Rights commission, National commission for scheduled castes, National commission for scheduled tribes, state commissions, SC & ST Prevention of Atrocities Act, 1989 and other laws. In India Human Rights violated of lower caste and SC, ST people by the upper caste people. So it is the question arise that how to safeguards and protect the Human Rights of SC and ST? behind the state.

Keywords: human rights, constitutions, schedule caste, preservation

Introduction

Human Rights are the rights which are possessed by human being that are basic and inalienable rights. The Indian constitution bears the impact of the universal declaration of human rights and this has been recognized by the supreme court of India. Fundamental rights are contained in part III of Indian constitution. There are special provisions regarding vulnerable groups such are women, old age persons, SC and ST people mentioned in Indian constitution for the protection of their Human Rights. The state also formed many commissions and organization to protect the Human Rights of SC and ST people.

The duty of state is to protect the Human Rights of SC and ST people. It is an important task before the state, but in reality the mis-perform and not perform this important task. Then judiciary steps into enforce to protect Human Rights of SC and ST people.

Objectives

- 1) To study the meaning of Human Rights and its nature under Indian constitution.
- 2) To study the provisions of constitution regarding Human Rights.
- 3) To study the incidents of Human Rights violated of SC/ST people.

Research Methodology

The analytical and historical method is used for the purpose of this research paper, for this research Secondary method used for the date collection and most of data taken from textbook and reference books and Internet.

Meaning and nature of human rights

Human beings possess certain basic and inalienable rights which are commonly known as Human Rights. Universal declaration on Human Rights adopted in Indian constitution such are civil, socio economic, political, cultural rights under Indian constitution mentioned below.

1. Equality before law - Art.14
2. Prohibition of discrimination -Art.15 (1)
3. Equality of opportunities – Art.16 (1)
4. Freedom of speech and expression – Art.19 (1) (a)
5. Freedom of peaceful assembly – Art.19 (1) (b)
6. Right to freedom of movement within the border – Art.19 (1) (d)
7. Protection of life and personal liberty – Art.21
8. Protection slavery & forced labour – Art.23
9. Remedy for enforcement of rights – Art.32

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10. Right to social security – Art.29 (1)
 11. Right to equal pay for equal work – Art.39 (d)
 12. Right to education – Art.21 (A), 41, 45, 51 (A)(K)
- Indian constitution provides Reservation to SC and ST people for the protection of their Human Rights. These Human Rights are protected by the constitution and judiciary and State organizations.

Incidents of human rights violated of SC/ST people in India

Some incidents of Human Rights violation are given mentioned below.

Abuse by Armed group in which killing of 14 people by National democratic front of Bodoland. Khairlanji Hatyakand of Maharashtra state in which women of the Mahar caste family unnaturally and cruelly raped and latterly killed them, destroyed by the community of upper caste people and this incident is a very big stigma for all human beings. Many other incident happened in which the many person killed by the upper caste people in Maharashtra state. Most of the incident happened against the Mahar Caste and SC people. Caste based discrimination and violence more than 56,000 crimes were committed against scheduled caste and scheduled tribes in 2015, according to report. In 2016 dalit student Rohith Vemula committed Suicide. It was not the incident of accident its suicide committed because of the caste discrimination. Many dalit people were attacked by the vigilante cow protection groups Chhattisgarh, resulting in grabbing of Adivasi land without their consent. Most of the Human Rights violated incidents in which SC/ST faced intimidation, physical attacks and harassment in India.

Protection of human rights and national human rights commission

Human Rights are better protected at the national level with adequate laws, independent judiciary and other effective mechanisms. In India the Human Rights commission formed in 18 states. The primary function of National Human Rights Commission to conduct inquiries into violation of Human Rights for the following violation.

- Violation of right to life, liberty, equality and dignity.
- Abetment of violation of Human Rights by a public servant.
- Negligence of public servant in prevention of Human Rights violation

SC and ST commissions for protection of their human rights

The National Commission for scheduled castes and scheduled tribes was formed into two separate commissions namely the National commission for scheduled castes and National commission for scheduled tribes on 19/02/2004.

Both the commissions are same functioning for the protection of Human Rights of SC and ST people. For effective implementation of various safeguards provided in the constitution for the SC and ST. Provided that appoint of a special officer under the Art.338 of the constitution. This special officer called commissioner for SC and ST, was assigned to duty to investigate the matters relating to the safeguards for SC and ST in various statutes and report to president. This commission consist 1 chairman, 1 deputy chairman and other 5 members.

Role of this SC and ST National commissions

To investigate and monitor relating to safeguards for SC and ST.

To inquire of specific complaints with respect to deprivation of rights and safeguards of SC and ST.

To participate and advise on planning process of socio-economic developments under union and state

To present to the president reports upon the working of those safeguards annually.

To effective safeguards and other measures for the protection, welfare and socio-economic development of the SC and ST.

Headquarters of state offices under National Commission for Scheduled Caste (NCSC)

1. Ahmedabad, 2. Bangalore, 3. Kolkata, 4. Guwahati, 5. Patna, 6. Hyderabad, 7. Pune, 8. Chennai, 9. Lucknow, 10. Thiruvanthpuram, 11. Chandigarh, 12. Agartala.

Headquarters of state offices under National Commission for Scheduled Tribes (NCST)

1. Bhopal, 2. Bhuvaneshwar, 3. Raipur, 4. Ranchi, 5. Shilong, 6. Jaipur.

Conclusion

Regarding Art. 46 of the Indian constitution. Today 70 years after independence as dalit continue to bear the brunt of violence and discrimination. The tragic suicide of Rohith Vemula a Ph.D student who hanged himself in Hyderabad central university. Rohith is not the lone tragedy. A spectre of suicide deaths by several dalit students are hunting in India. There are many laws and commission formed for protection of Human Rights of SC and ST, but still the Human Rights of SC and ST are violated.

It is necessary to that implement the SC and ST prevention of Atrocities Act 1989 for the protection of Human Rights of SC and ST people. The state shall strictly implement the different policies through the National commissions for the protection of Human Rights of SC and ST.

The National commission for scheduled caste (NCSC) and National commission for scheduled tribes (NCST) are the main agency through of all necessary actions taken on the matter related to the SC and ST people and their all the issues. The commissions play a vital role in protecting and safeguarding of Human Rights of SC and ST people. Commission are separately handled the incidents in which the Human Rights violated of SC and ST people. In the task of state for the protection of Human Rights of SC and ST people the very contributory role played by the SC and ST commissions at state and National level.

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