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## Human rights and Dalits in India: Overcoming challenges and paving the way for equality

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### Abstract

The two concepts, Human rights and democracy go hand in hand in modern democratic countries, they are complementary to one another. Democracy has been synonymous with the emancipation of man from the bondage of superstition representation, wrong beliefs, inequalities, tyranny, oppression and suppression. This article deals with the perspectives of human rights and dalits in India and has to overcome the challenges that dalits are being faced and ultimately aptly paving the way for equality. While describing the trajectory of the emancipating of Dalits through democratic process appended with human rights issues related to Dalit in India. In detail, this article also focuses on who are the Dalits? Practices of untouchability and discrimination, economic profile of Dalits, right to education, Dalits and human rights issues, impact of economic reform on Dalit, a blue print for Dalit reforms, UN' observation and conclusion

**Keywords:** Human rights, democracy, education, untouchability

### Introduction

The two concepts, Human Rights and Democracy go hand in hand in modern democratized countries. They are complementary to each other at the same time contradictory to one another. Democracy has been synonymous with the emancipation of man from the bondage of superstitions, wrong beliefs, inequalities, tyranny, oppression, and suppression. The sense of brotherhood and the recognition of the supreme worth of individual personality has not only strengthened the very base of democracy but has also elevated its pedestal to many universal institutions and world organizations.

Democracies can function effectively only when the rule of law and human rights prevail, in addition to freely elected governments. The rule of law envisions equality before the law and equal protection of the law without any distinction. Article 14 of the Indian Constitution states that "the state shall not deny any person equality before the law or the equal protection of laws within the territory in India". Article 7 of the Universal Declaration of Human Rights states that "All are equal before the law and are entitled without any discrimination to equal protection of the law". This principle has been reiterated in many articles of the international covenant on civil and political rights. Human rights ensure the dignity of human beings.

### Who Are Dalits?

The word 'Dalit' is now fast supplanting the other generic names for persons descended from the old untouchable castes. This is a word from the Marathi language of Western India and is derived from Sanskrit. It was used in the 1930s as a Hindi and Marathi translation of the English term 'Depressed Classes', the term the British used for what is now called the Scheduled Castes. In 1930, Dalit Bandhu, a newspaper published by the Depressed Classes made a public appeal for the usage of this term. However, the word was also used time and again by Ambedkar in his Marathi speeches, in the 'Untouchables', published in 1948. Ambedkar used the term 'broken men' as the English translation of the Marathi term Dalit.

### Practices of Untouchability and Discrimination

Untouchability arises out of the lowly and impure nature of the professions that Dalits perform. Not all professions are considered impure. Barbers, Washer-men, landless, agricultural labourers, and artisans enjoy a higher ranking in the hierarchy of Dalit professions.

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It could be safe to assure that these professions are faceless of discrimination and certainly less of untouchability. Descent or birth is another platform that determines the level of social acceptance or untouchability. Dalit face many forms of work and descent-based discrimination. Some of these discriminatory practices are listed below:

- Prohibited from eating with other caste members
- Prohibited from marrying with other caste members
- Separate glasses of Dalits in village tea stalls
- Discriminatory seating arrangements and separate utensils in restaurants
- Segregation in seating and food arrangements in village functions and festivals
- Prohibited from entering into village temples
- Prohibited from wearing sandals or holding umbrellas in front of dominant caste members
- Devadasi system – the ritualized temple prostitution of Dalit women
- Prohibited from riding a bicycle inside the village
- Prohibited from using common village path
- Separate burial grounds
- No access to the village's common/public properties and resources (wells, ponds, temples, etc)
- Segregation (separate seating area) of Dalit children in schools
- Prohibited from contesting in elections and exercising their right to vote
- Forced to vote or not to vote for certain candidates during the elections
- Prohibited from hoisting the national flag during Independence or Republic day
- Sub-standard wages
- Bonded Labour
- Face social boycotts by dominant castes for refusing to perform their "duties"

Students of human rights cannot fail to recognize these unfair practices as a form of "hidden apartheid", surprisingly still in vogue in many parts of India, even after more than sixty years of independence.

### Economic Profile of Dalits

Dalits formed the bulk of agricultural labourers. Land has a lot to do with both economic and social status. In rural areas, where caste discrimination is most entrenched, the land is the main asset determining an individual's social status and standard of living. Dalit's lack of access to land makes them economically vulnerable and dependent upon their upper and middle-class landlords. They are exposed to exploitation, incurring heavy debts, and ultimately end up as bonded labourers for life. Furthermore, under the globalization movement, large tracts of land acquired by transnational corporations have deprived lacs of small and marginal farmers of their land (the bulk of them being Dalits), thereby swelling the army of landless labourers. In a later section, we examine how the impact of Economic Reforms has adversely affected the condition of Dalits.

Of the Indian poor, 40% are landless agricultural labourers; 45% are small and marginal farmers with less than an acre of land. This means that 85% of the poor are either landless or marginal farmers. Dalits constitute the bulk of the first category of landless labourers. Of the remaining 15%, 7.5% are rural artisans. Dalits found in this group are mostly in leather-based occupations. The remaining 7.5% of the poor,

live in poverty. Here too, we find Dalits engaged in construction labour, in road laying crews, and very prominently in scavenging and other sanitation work. While poverty affects many communities across the spectrum, it would be correct to say that the Dalits are its worst victims. They live in segregated sections of Indian villages. Even the official programs of the government practice their own form of exclusion.

### Dalit's Right to Education

The right to education has been denied to Dalits and Backward classes in India for centuries. It prevented their development in an unequal hierarchical social order. Education provides a single and critical opportunity for all children, in particular Dalit children, for acquiring the social and intellectual skills they need to move out of the strictly hierarchical, segregated, and stigmatized spaces of living, occupation, and identity.

Special focuses and provisions are there for the weaker sections. But continuing disabilities, abuse, humiliation, violence, untouchability, inaccessibility to educational institutions, poverty, and caste-based discrimination largely keep Dalit children below eighteen years downtrodden, among the 70 million people in India.

The National Policy on Education, 1986 aimed at the universal enrolment of all Dalit children in the age group of 6-11 and 75% enrolment in the 11-14 age groups. The 86<sup>th</sup> amendment of the Constitution, 2002 promised free and compulsory education to all. Sarva Siksha Abhiyan (education for All), 2000, focuses on marginalized children's Education.

Despite all these measures, the dropout rate of Dalit children is high. "The national dropout rate among Dalit Children is 36.6% at primary, 59.4% at the middle and 73.1% at the secondary level of education (Report National Commission for SC and STs, Government of India, 2000-2001).

### Dalits and Human Rights

Over one-sixth of India's population, some 170 million people, live a precarious existence, shunned by much of Indian society (because of their rank as "untouchables" or Dalits), at the bottom of India's caste stem. Dalits are discriminated against, denied access to land and basic resources, forced to work in degrading conditions, and routinely abused at the hands of police and dominant caste groups that enjoy the state's protection.

Historically, the caste system has formed the social and economic framework for the life of the people of India. In its essential form, this caste system involves the division of people into a hierarchy of unequal social groups where basic rights and duties are assigned based on birth and are not subject to change. Dalits are 'outcastes' falling outside the traditional four classes of Brahmin, Kshatriya, Vaishya, and Shudra. They are typically considered low, impure, and polluting, based on their birth and traditional occupation. Thus they face multiple forms of discrimination, violence, and exclusion from the rest of society.

Beginning in the 1920s, there were various social, religious, and political movements in India against the caste system and in support of the human rights of the Dalit community. In 1950, the Constitution of India was adopted, and largely due to the influence of Dr. B.R Ambedkar, Chairman of the Constitutional Drafting Committee, it departed from the norms and traditions of the caste system in favour of Justice,

Equality, Liberty, and Fraternity, guaranteeing all citizen human rights regardless of caste, creed, gender, or ethnicity. The implementation and enforcement of these principles have, unfortunately, been an abysmal failure.

Even though “untouchability” was abolished under India’s Constitution in 1950, the practice of “untouchability” – the imposition of social disabilities on persons because of their birth in a certain caste- is still prevalent in many parts of India. Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education. Except for a small minority who have benefited from India’s policy of quotas in education and government jobs, Dalits are relegated to the most menial of tasks, such as manual scavengers, removers of human waste and dead animals, leather workers, street sweepers, and cobblers. Dalit children make up the majority of those sold into bondage to pay off debts to dominant caste creditors.

Dalit women face the triple burden of caste, class, and gender. Sexual abuse and other forms of violence against women are used by landlords and the police to inflict political “lessons” and crush morality within the community. Less than 1% of the perpetrators of crimes against Dalit women are never convicted.

Laws granting Dalits special reservations for government jobs and education reach only a small percentage of those they are meant to benefit. Laws designed to ensure that Dalits enjoy equal rights and protections have seldom been enforced. Instead, police refuse to register complaints about violations of the law and rarely prosecute those responsible for abuses that range from murder and rape to exploitative labour practices and forced displacement from Dalit lands and homes. Laws and government politics on land reform and budget allocations for the economic empowerment of the Dalit community remain largely unimplemented.

Dalits who dare to challenge the social order have often been subject to abuses by their dominant caste neighbours. Dalit villages are collectively penalized for individual “transgressions” through social boycotts, including loss of employment and access to water, grazing lands, and ration shops. For most Dalits in rural India, who earn less than a subsistence living as agricultural labourers, a social boycott may mean destitution and starvation. Clearly, what we see is a form of “hidden apartheid” on our own citizens, through a de facto segregation of Dalits.

The present time is a historic moment, not only for Dalits but for all those committed to basic human rights and principles of justice, equality, liberty, and fraternity. India, an increasingly important player on the world stage, must not be allowed to ignore the injustice and oppression within its borders any longer. Indian democracy must rise above an entrenched caste mentality and properly enforce its laws, implement its policies, and fulfill its responsibility to protect the basic human rights of all its citizens.

### **Impact of Economic Reforms on Dalits in India**

This section examines the effect of the Economic Reforms of 1991 on the condition of the Dalits in India. The Economic Reforms have produced an adverse effect on the poverty of Dalits in India. The Dalits have become more vulnerable to food security, inflation, and unemployment. The economic philosophy of these programs was to rely on market forces, reduce the role of the State, liberalize prices, cut public expenditure on social services (that directly impact social welfare programs for poverty alleviation),

deregulation, and more privatization. The impact of these market-driven reforms on the poor people, especially the Dalits, who are among the poorest, is analyzed in this section. The observations are based on a Paper presented by Dr. Anand Teltumbde in the Seminar on “Economic Reforms and Dalits in India” organized by the University of Oxford, UK in November 1996.

Dalits are a very distinct social group belonging to a broad class of have-nots. They suffer an additional disability of social oppression, while economically most of them are still the poorest of the poor. A very small minority of Dalits have managed to escape poverty and enjoy a reasonable level of prosperity. The main factor in this transition is the reservation policy which has given them a basic opportunity to enter the modern sectors of the economy. In social terms, however, all Dalits, irrespective of their economic standing, still suffer oppression, varying from untouchability, (still being practical in rural India) to sophisticated forms of discrimination, even in urban areas.

### **A Blue Print for Dalit Reforms**

1. Economic Reforms have essentially a pro-rich bias. They have worsened the situation of the masses of poor people.
2. The broad Indian reality is that India has too many poor. As per the Human Development Report 1996, there are 229 million income poor, but more than twice as many, 554 million are “capacity” poor. In terms of capability poverty, 61.5% population is poor. Its ranking is 135 among 174 countries.
3. The free market economy ought to recognize this Indian reality. Without widespread purchasing power in the economy, the market can never be free and sustainable. The reform strategy should embody sustainable economic empowerment of rural masses and investment to enhance their capability.
4. The pre-requisite to reforms could be radical land reforms, massive investments in agriculture-related infrastructure projects, primary education, primary health care system, and reinforcement of positive discrimination in favour of the Dalits.
5. The devil casteism could be tamed only by freeing the masses from anxieties and uncertainties about basic survival. The general condition of deprivation has rendered them vulnerable to manipulation by vested interests. Relative equality thus can be the bedrock for launching the sociocultural offensive in the form of mass education programs.

### **The only positive approach to the development of Dalits, by which discriminatory “attitudes” of our society could gradually fade into oblivion, is by:**

1. Establishing a firm social infrastructure through mass education programs (like the Sarva Shiksha Abhiyan Programme)
2. Implementing simple health care programs extensively in rural areas.
3. Seriously implementing nutritional programs like the midday meals scheme in all rural primary schools. This will provide a healthy diet to children of deprived families and ensure higher school attendance.
4. Ensuring the supply of clean drinking water to all rural households.

5. Building low-cost houses for economically deprived households with flush-out toilet
6. Empowering rural women through self-help groups would give them gainful employment, and additional income and restore their status and dignity in the household and the community. Human development that instills a sense of “comfort” and removes the anxieties and uncertainties of long-term deprivations is the most dependable medium for transforming social attitudes against the Dalits and depressed classes.

### UN Finds Pervasive Abuse Against Dalits

The United Nations Committee on Elimination of Racial Discrimination (CERD), in March 2007, issued its concluding observations regarding India’s compliance with this International Convention. The Committee’s report found that “de-facto segregation of Dalits persists”, and highlighted systematic abuses against Dalits including torture and extra-judicial killings, an “alarming extent of sexual violence against Dalit women and caste discrimination in post-tsunami relief. The committee gave India a year to respond to its recommendations, including its recommendation on how India can end widespread impunity for violence against Dalit women in particular. “The UN Committee’s concluding observations confirm that India has failed to properly protect Dalits and tribal communities. This is nothing short of “Hidden Apartheid” according to Brad Adams, Asia Director of Human Rights Watch. Recommendations of UN and National Commissions for Promoting Social, Economic, Political, and Cultural Rights of Dalits:

1. Resolutely implement legislation and other measures already in force.
2. Educate the general public on the importance of affirmative action programs to address the situation of victims of descent-based discrimination.
3. Conduct periodic surveys on the reality of descent-based discrimination and provide disaggregated information in their reports to the committee on the geographical distribution and economic and social conditions of descent-based communities, including a gender perspective.
4. Take into account, in all programs and projects planned and implemented and in measures adopted, the situation of women members of the communities, as victims of multiple discrimination, sexual exploitation, and forced prostitution.
5. Take all measures necessary to eliminate multiple discrimination including descent-based discrimination against women, particularly in the areas of personal security, employment, and education.
6. Provide disaggregated data for the situation of women affected by descent-based discrimination.
7. Undertake to prevent, prohibit and eliminate practices of segregation directed against members of descent-based communities including in housing. Education and employment.
8. Secure for everyone the right of access on an equal and non-discriminatory basis to any place or service intended for use by the general public.
9. Organize training programs for public officials and law enforcement agencies to prevent injustices based on prejudice against descent-based communities.
10. Take substantial and effective measures to eradicate poverty among descent-based communities and combat their social exclusion or marginalization.
11. Work with intergovernmental organizations, including international financial institutions, to ensure that development or assistance projects they support take into account the economic and social situation of members of descent-based communities.
12. Take special measures to promote the employment of members of affected communities in the public and private sectors.
13. Develop or refine legislation and practice specifically prohibiting all discriminatory practices based on descent in employment and the labour market.
14. Take measures against public bodies, private companies, and other associations that investigate the descent background of applicants for employment.
15. Take measures against discriminatory practices of local authorities or private owners concerning residence and access to adequate housing for members of affected communities.
16. Ensure equal access to health care and social security services for members of descent-based communities.
17. Take measures to address the special vulnerability of children of descent-based communities to exploitative child labour.
18. Take resolute measures to eliminate debt bondage and degrading conditions of labour associated with descent-based discrimination.
19. Reduce school drop-out rates for children of all communities, in particular for children of affected communities, with special attention to the situation of girls.
20. Combat discrimination by public or private bodies and any harassment of students who are members of descent-based communities.
21. Expand the Constitutional mandate to the National Commission for Scheduled Castes and National Commission for Safai Karmacharis to ensure that their recommendations become binding on Union or State governments, Public Sector Units, and Financial Institutions, and they have powers to undertake corrective measures, including action taking on erring officials is vested in them.
22. Ensure that the Commissions present substantive annual reports and the Government place them before the Parliament within three months for discussion and action.
23. Ensure that all State, Ministries, and Departments follow up recommendations of the commissions and action taken reports are submitted to the Parliament or respective bodies within six months.
24. Support and facilities the National Human Rights Commission and National Commission for Women to incorporate analysis of caste discrimination and disabilities and take necessary additional steps to support Dalit women and communities in ensuring and accessing their rights and entitlements.

### Conclusion

Dalits in India face extreme discrimination, segregation, and indignities on account of their biological descent or birth, so severe that it threatens to wipe out their culture, their human dignity, and their self-respect, despite promises by the State

to reform their plight. Their sufferings are more acute on account of extreme poverty, illiteracy, lack of sanitation and health care, and more so because these are compounded with discrimination and social exclusions which they face every day.

The Dalits have resolved their dilemma by deciding to go to the UN which held the World Conference Against Racism, Xenophobia and Related Forms of Intolerance (WCAR), in Durban, South Africa (Aug 31-sept 7, 2001). Confronting the Dalits is the Indian State, which is doing its most to keep caste out of WCAR altogether. This is the same country where Mahatma Gandhi Galvanized one of the world's most inspiring, collecting struggles against that institutionalized form of racism called apartheid. Ironically, the Indian government today advances pedantic, frivolous, and hair-splitting distinctions between race and caste to claim that casteism does not fit into the WCAR agenda. (Prof Praful Bidwai)

Casteism is critically and essentially concentrated in the system of exclusion, discrimination, and oppression directed at the Dalits. Unfortunately, though officially abolished it still thrives in countless forms. This "quasi apartheid" extends from home to school, field to the temple, from street to the court, and from cradle to grave (Praful Bidwai).

Constitutional reforms for Dalits include measures such as reservations in employment, the Untouchability (Offenses) Act, 1955, the SC/ST (Prevention of Atrocities Act (1989 and the ban on manual scavenging enacted under the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act, 1993. The emerging pattern is one of their growing awareness and resistance to oppression. The campaign to get caste included in the Durban agenda is one of its manifestations. The Dalits have shown remarkable restraint and patience in fighting centuries-old oppression. Even politically, the Dalits have become an emerging power bloc and no electorate can ignore them. Government must reciprocate and listen to them. If it does not, it will produce disaffection within this sensitive community, without whose participation Indian democracy will itself lack legitimacy.

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