

HUMAN RIGHTS AND DALITS: AN ANALYSIS

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ABSTRACT

A sixth of India's population, but not its land, is made up of them. They control, at most, a meager fraction of a sixth of Indians' territory. In fact, most governments in this nation are unable to give even the most rudimentary information about the lands that dalits hold or have received as distributions. Nobody disputes the fact that they are largely landless and that, when they do own land, it is marginal and sometimes of poor quality. Second, there is a distinct caste geography in Indian irrigation. Upper castes cultivate near the tail waters, followed by intermediate castes in the center, and dalits in the middle.

Their position's significance in relation to is enormous. In the primary or agricultural sector of the economy, dalit workers make up as much as 77% of the labor force. But relatively few of them actually own land. Instead, they make up the majority of the country's agricultural laborers. They have frequently been the targets of land grabbing in the past.

Land has a significant impact on both social and economic standing. Let's examine the demographics of India's impoverished. 40% of the poor in India are landless farmworkers, while 45% are tiny or marginal farmers. (60%) Of Indian farmers, less than an acre of land is under cultivation. This indicates that 85% of the poor are either marginal farmers or landless. Dalits can be found in great numbers in the first group.

Key words - Population, Agricultural laborers, marginal caste, demographics

I – INTRODUCTION

Dalits are more numerous in India than people are in Pakistan. In India, the Scheduled Castes make up about 16.48% of the population. That is, more than 160 million people. Their labor, creativity, and cultural contributions to civilization are significant. However, their fraction of the nation's wealth and resources is disproportionately lower.

7.5% of the remaining 15% work as artisans and in other non-farm occupations in rural areas. Dalits are included in this group once more, especially those who work with leather. Finally, "Others" who live in poverty include all other categories of the poor, including various subgroups of the urban poor. Dalits can be found working in construction, on road building crews, and especially notably in scavenging and other sanitation-related jobs. Again, all dalits in this 15% are landless individuals.

The Constitution's drafting process took into account how important land is to the issues we're discussing. S. Nagappa did not voice a substantial point of view during the conversations. "I am prepared for the abolition of reservations, provided that every Harijan (dalit) family receives ten acres of wet land and twenty acres of dry land, and that all children of Harijans receive free education up to the university course, and that you give one-fifth of the key posts either in civilian or military departments," he said.

There wasn't a lot of demand for so many acres of property. Families during the period occasionally had more than 10 or twelve individuals. Therefore, even if this had been put into practice, the real holding per family would still have been relatively low. The scheduled castes and scheduled tribes are among poverty's biggest sufferers, despite the fact that it affects a wide range of populations.

In various regions of the country, the millions and millions of dalits employed as agricultural laborers make between Rs. 12 and Rs. 30 per hour. Typically, this is against the minimum wage laws for agricultural laborers. The pressure placed on these groups throughout the liberalization era has grown intolerable. Keep in mind that unlike prices, which occasionally increase every few weeks, agricultural earnings only change periodically. Before the current pay, the previous minimum wage in a wealthy state like Maharashtra remained constant for about eight years. The Public Distribution System's government-controlled prices increased by 85% in the first four years of Mr. Narasimha Rao's rule, and if we include subsequent increases, the surge has now exceeded 100%.

Foodgrain availability per person has actually decreased throughout this time, going from 510 grams in 1991 to 461 grams in 1996. Imagine the stress on the numerous landless families who produce the nation's food yet own a decreasingly larger portion of it. These individuals make up a sizable section of the dalit population. For the past 25 years, we have taken great pride in proclaiming ourselves to be a "food self sufficient nation." Even food surpluses have occurred. However, this self-sufficiency is relatively flimsy. It is founded on the fact that every night, 400 million people go to bed hungry. Our large surpluses would disappear if they met their minimum calorie needs, and our level of production would appear to be woefully insufficient. I'm not even focusing on unfairness here

In metropolitan regions, dalits make up only 16% of the population. 84% of India's population lives in rural areas. The country's over 450 SC organizations represent a significant and incredibly complex issue. a people that have experienced centuries of exploitation, forced poverty, and misery, which have led to issues that seem unsolvable. Many Indians who think untouchability is a thing of the past would be shocked to learn how widespread it still remains decades after it was outlawed.

They fall at the wrong end of the spectrum in all areas, including private employment, school dropout rates, literacy and health indicators, access to higher education, and even government employment. Between 1961 and 1981, the actual literacy gap between the dalit community and the non-dalit population widened. The literacy rate for SC women in Rajasthan is roughly one-fifth that of women nationwide. A third of the national SC female rate, in fact!

Dalits continue to reside in segregated areas in the vast majority of Indian communities, even 50 years after independence. Even now, it might be dangerous for them to pass through the upper caste basis in some areas of the nation. Many villages in this country forbid access to the graveyards or burning ghats. The official government of India programs all engage in different types of exclusion. For instance, the Indira Awas Yojana continues the practice of isolating dalits' dwellings from the rest of the hamlet.

Social scientists have inquired into whether the religious and societal notions (or ideologies) of behavior in different societies confirm or come in conflict with the secular and universalistic approach to human rights. They have tried to identify the (religious and social) codes of behavior that conflicted with or supported the universal rights. Some have considered the UN human rights framework to be the particular expression of secular humanists against which other religious and social traditions are examined and compared

We'll talk about how the classical Hindu social structure, notably its cornerstones of caste and untouchability, is in direct conflict with the foundation of universal human rights And how widespread human rights violations particularly against dalits are caused by the continued practice of the caste system and untouchability in modified forms. The caste system and the institution of untouchability continue to influence the social behavior of upper caste Hindus, notwithstanding the legal provisions, making it difficult, if not impossible, to implement human rights.

The UN Declaration on Human Rights was adopted in 1948, and the Indian Constitution was being written in late 1947 and early 1948. The Constitution's "Fundamental Rights" and "Directive Principles" sections are modeled after the UN Declaration. The Constitution's provision is as follows: "[It is solemnly resolved] to secure to all citizens Liberty of thought, expression, belief, faith, and worship." Assuring the dignity of the individual and unity equality of status and opportunity, and fostering fraternity among everyone.

According to the Constitution, no citizen may be subjected to discrimination on the basis of their religion, race, caste, place of birth, or any other factor. The State shall promote with special care the educational and economic interests of the scheduled castes/tribes and shall safeguard them from social injustice and all types of exploitation, it is added to the Directive Principles. The government has taken a number of measures to protect untouchables (also known as Scheduled Castes or SCs) in compliance with these Constitutional provisions. These actions serve developmental and protective purposes. The Protection of Civil Rights (Anti-Untouchability) Act of 1955 effectively outlawed untouchability in the "protective" domain and forbade its practice in any manner.

In the Bonded Labour (Abolition) Act 1976, which was passed nearly two decades later, safeguards for SCs were revised to make them more strict and effective. To stop atrocities against SC/STs, the government passed a new law in 1989 called the Scheduled Castes and Tribes (Prevention of Atrocities) Act. Because of the conditions, it was determined that PCR 1955 and the standard provisions of the Indian Penal Code were insufficient to protect SC/STs from a number of offences, necessitating the necessity for this new Act. Through reservations and representation, improvements have been made to their access and involvement in the economic, educational, and political realms. Politically-motivated discrimination is permitted in a number of organizations, government services, admission to schools of higher learning, and in several other.

II - HINDU SOCIAL ORDER AND HUMAN RIGHTS

The caste system and untouchability, which serve as the foundation of the Hindu social order, make it a special situation. Its foundation as a system of social, economic, and religious government is inequality in all aspects of life, not the principles of liberty (or freedom), equality, and fraternity, which served as the cornerstone of universal human rights. According to Ambedkar, the Hindu social system is fundamentally based on the philosophy of inequality. It erases all distinctions between morality and legal theory (and law). (Ambedkar 1987 Deepak Lal 1988; first published). It's important to comprehend the caste system's three distinctive characteristics.

The caste system in the social realm entails the separation of people into social groupings (castes). Caste members' social, religious, cultural, and economic privileges are inherited and are predetermined by their birth into that caste. (a) A disparate allocation of these rights among caste groups (c) the establishment of a system of social and economic exclusion designed to enforce strict allegiance to the system and the justification of the social order by Hinduism. The Hindu social order also stipulates a distribution plan for economic rights, including (a) fixing each caste's occupation by birth and hereditary continuation; and (b) unequal distribution of these economic rights relating to property, trade, work, earnings, and education.

These characteristics suggest that the Hindu social order is based on three related factors: the predetermination of each caste's social, religious, and economic rights based on birth; the unequal and hierarchical (graded) division of these rights among the castes; and the provision of strong social, religious, and economic ostracism supported by social and religious ideology to maintain the Hindu social order.

In this context, the Hindu social system's understanding of "human rights" has a distinct meaning. In contrast to other human communities, the Hindu social order does not view the person and his uniqueness as the core of the social purpose in its classical form. The individual is not the basic building block of Hindu society. Except for the reasons of marriage and inheritance, the family is not even considered to constitute a social unit (Ambedkar 1987, first published). Caste is the fundamental social structure. Individual fairness and

consideration of individual merit are not allowed. An individual's rights are due to him because of his caste, not because they belong to him individually.

The second implication is that the caste system likewise applies the rank-and-gradation concept, with untouchables having less rights than Brahmins. It is a networked system with hierarchies. Castes are cleverly linked to one another in this structure so that the rights and privileges of upper castes become the limitations of lower castes, especially the untouchables. In this sense, the caste cannot exist as a single number in Ambedkar's opinion. Caste can only be found in plural form. The concept of caste cannot exist as a unique phenomena. Therefore, one must consider the castes as a system, where each is connected to others in varying degrees on a social, religious, and economic level.

A new and distinctive idea of "human rights" and "humanhood" is implied by the caste system's hierarchically interconnected structure. The Brahmins are not only at the pinnacle of this particular hierarchy, but they are also viewed as "superior social beings" deserving of exclusive rights and privileges. The untouchables are regarded "sub-human beings or lesser human beings" and are therefore denied several rights. As lower social beings, untouchables are not granted any individual rights, including civic, religious, political, and economic rights. Because of their severe infirmities, they are actually socially and physically separated from the rest of Hindu society. Untouchables are isolated and excluded, which is a distinctive aspect of Hinduism.

III - THE EVIDENCE

The information on the cases of untouchability and atrocities against the Scheduled Castes is available in the yearly reports of the Commission for Scheduled Caste and Schedule Tribe. According to Table 1, there were an average of 480 cases reported under the Anti-Untouchability Act (also known as the Human Rights Act) in the 1950s, 1903 in the 1960s, 3240 in the 1970s, 3875 in the 1980s, and 1672 in the first half of the 1990s. Two lakh occurrences of atrocities against the SC were reported between 1981–1986 and 1995–1997, according to Table 2. This means that on average, three thousand atrocities against them were committed each year.

The breakdown of atrocities for 1997 indicates 504 murder instances, 3452 incidents of serious injury, 384 cases of arson, 1002 cases of rape, and 12149 cases of other crimes. According to data collected between 1981 and 1997, approximately 508 SC citizens were killed, roughly 2343 were injured, 847 were the victims of arson, 754 were assaulted physically, and over 12,000 were the victims of various crimes annually.

About three-fourths of SCs reside in rural areas where farming, wage labor, or some other type of non-farm self employment are the primary sources of income. It is essential to have access to agricultural land for cultivation and funding for non-farm self-employment. Only one-fifth of SC households engaged in land cultivation as (independent) self-employed laborers in 1993–1994 compared to more than double this number among non-SC/ST households (Table 3). The Scheduled Castes had a very low proportion of people working in non-farm self-employment, which is a sign that they have access to capital. Considering both farm and (rural) non-farm self-employment, about one-fourth of SC households appear to be involved, compared to more than half for others, in self-employment activities.

In metropolitan regions, the Scheduled Castes have a lower percentage of self-employed people, which is a clear indication of the difference in access to finance. The lower percentage of SC individuals working for themselves in agriculture, non-farming, rural, and urban areas when compared to others demonstrated the persistence of access to ownership of agricultural land and resources. The limits of the caste system, which required untouchables to have a source of income, and persistent discrimination in the real estate and capital markets, as well as other connected economic areas, are the two main causes of the limited access. 2001's Thorat

Since more than 60% of SC workers in rural regions and more than a third of SC workers in urban areas rely on wage employment, the employment rate and wage rates affect how much money they make. It appears most likely that the SC workforce experiences employment discrimination. In comparison to other groups in Indian society, SCs experience significantly higher rates of unemployment and underemployment (see table 4). Caste-based discrimination against SC workers in hiring may be present given their higher unemployment rate, which is twice that of other workers. We demonstrated evidence of discrimination against SCs in the prior section, including in employment, earnings, and occupation.

In contrast to only one-third of the Others, about half of the SCs lived below the poverty level in metropolitan areas in 1993–1994. Additionally, the prevalence was startlingly high among casual workers because roughly two thirds were underprivileged. In terms of self-employment, regular salaried and waged workers, and casual labor, there were greater differences in the levels of urban poverty between the two socioeconomic categories. This shows that, both in rural and urban areas, by the early 1990s, half of the population of South Carolina was still living in poverty. According to the 1993–1994 statistics, the SCs behind the other group in terms of poverty level by at least 25 years.

This macro-level comparison analysis of the economic standing of the formerly untouchable and upper-caste individuals including pertinent economic variables offers strong proof of the persistence of caste-based economic inequality. There is no question that the historical effects of caste-based restrictions on property ownership, employment, and occupation are still strongly felt today. The previously untouchable population has limited access to capital assets that generate income and employment opportunities, and they are disproportionately concentrated in manual labor. Thus, it appears that the two main economic characteristics of the caste system are still present in significant amounts today.

IV - IMPORTANT ARGUMENTS FOR CONTINUITY

The question that remains is why the higher castes continue to discriminate against lower caste members in the social, cultural, religious, political, and economic realms. And why do they turn to physical and other forms of violence when the untouchables attempt to legally access their human rights and participate equally in all aspects of community life—social, political, cultural, religious, and economic? The higher castes' continued trust in the integrity of the caste system and of untouchability is the root cause of the widespread practice of untouchability, discrimination, and atrocities, as well as of their violent response. The vast majority of Hindus in rural regions continue to be governed by the old Hindu social order in terms of thought and behavior.

Even though there have been changes in some spheres of social relations, the official evidence and regional studies based on primary data showed that high caste Hindus still behave in ways that are dictated by the traditional caste system in rural India in some, if not all, spheres. The untouchables live in rural areas far from the high-caste neighborhood, endogamy—the foundation of the caste system—remains legal, untouchables have very few access points to private homes and temples in rural areas, and there is very little common sharing of food and tea. Additionally, voting and political engagement are subject to pressures and limitations. restrictions on changing careers, employment discrimination, and wage

This demonstrates that the formal legal structure (such as the Constitution and other laws) that supports universal human rights is not the only factor influencing their enforcement and application in society. Frequently, cultural, social, religious, and economic precepts make it challenging to uphold and exercise human rights. Non-formal organizations, such as those in the social, religious, and economic spheres, include a framework of social behavior of their own, which may not be consistent with the UN's founding principles or the national constitution, in which case conflicts between different sets of values may arise. It indicates that legislative measures won't significantly affect access unless disparities ingrained in Hindu society's social, economic, and cultural framework are addressed.

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