
DALIT COMMUNITY AND HUMAN RIGHTS- AN OVERVIEW

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Introduction :

The issues of dalits are discussed in the world as economic, social, political, ethical and cultural issues. As has been discussed in many discourse that marginality is the worst problems which is existed in the world till the ages. As it deprived humans from their existence as well as from their natural rights. Since the beginning of human history, the idea of human rights has not yet been codified in any charter or treaty. There have been numerous attempts to define and elucidate them, although certain rights may fall within the umbrella of human rights. Without a set of unalienable rights known as human rights, existence would be unimportant and pointless. Such rights are a part of who we are as people. The basic responsibility of the local human community to safeguard a person's life and property is where human rights first emerged. But as time went on, this practice started happening in our nation as a type of exploitation. Despite freedom and basic rights, india's 160 million dalits, or "untouchables," continue to endure terrible caste prejudice. Dalits are frequently obliged to eat and drink from separate containers in restaurants, attend separate religious ceremonies, walk kilometers to fetch water, and work in terrible conditions in addition to being the subject of physical and sexual violence. Even though caste discrimination is explicitly prohibited by indian law, the government continues to ignore its domestic and international commitments to protect dalits' rights.

Key words: dalits, human rights, indian constitution, fundamental rights

A heterogeneous group of people historically regarded as the lowest among the indian members of the hindu strata in india are typically referred as dalits or the downtrodden. A hierarchical class structure with its roots in india that date back thousands of years in the hindu caste system. The caste system is made up of the following groups in descending order: brahmins (priests), ksyatriyas (warriors), vaisyas (farmers), shudras (labourers and artisans), and the dalits, who are regarded as being so impure since they are outside the caste. Traditionally, a person's caste is decided by their birth, their marriageable partners, and their choice of occupation. The caste system's genesis is a hotly contested topic among academics.

The vedas, the texts on which hinduism is established, introduced the idea of the indian class structure for the first time. It is unclear how the rigid indian caste system developed from the rigid vedic social order. According to some academics, brahmins fabricated the vedic scriptures to gain control. Dalits were mistreated by those in higher castes, primarily brahmins.



For instance, brahmins would have to take a bath, refrain from consuming food made by dalits, and refrain from drinking from the same wells as dalits if a dalit's shadow fell on them.

Dalit women were frequently compelled to perform sexual servitude for males from higher castes. If dalits tried to challenge the caste system, they were subject to harsh punishments such as being made to parade naked through the streets of their communities and being beaten, raped, tortured, hanged, and set on fire.

Talents, accomplishments, and diligence on the part of dalits are of little value in a society where occupational standing is decided by birth. As per the report, dalits are subject to exploitative labour arrangements such as bonded labour, migratory labour, and forced prostitution. They are forced to work in "polluting" and degrading occupations like manual scavenging. In these and other regions, dalit children are equally susceptible to child labour. Additionally, private employers discriminate against dalits when employing new employees and paying compensation. Retaliatory violence (see section viii(b)) and a social and economic boycott (see section viii(e)) are used against dalits who try to enforce their rights.

Even though the indian constitution outlawed untouchability in 1950, dalits continue to face prejudice and harassment, especially in rural areas and villages. The truth behind marx's saying that "people make history" was on display this past week in maharashtra when the dalits united in their outrage over the brutal killings of four dalits in the village of khairlanjhi. People do, in reality, develop the tactics, and revolutionaries must take note of this.

The way the protests in maharashtra spread, the fervour and tenacity of the people as the movement grew over time, and the concentration on the targets of their attacks weren't preplanned, but they show how the people came up with their own means of expressing their outrage. The result of such abuse was the death of surekha bhotmange, her teenage daughter priyanka, and sons roshan and sudhir.

The police and political officials were suppressing the entire case in order to defend the criminals. The general consensus was so strong that even sonia gandhi cut short her trip, and the chief minister of maharashtra took a flight back from singapore and hurried back to repair the damage. On september 29, 2006, four members of the bhotmange family, a mahar buddhist family residing in khairlanjhi, were murdered in front of the entire village. Mother surekha, daughter priyanka (19 years old), working-age son sudhir (17 years old), and blind son roshan (18 years old).

Some obc men from the village's peasant households removed the two women from their homes and brought them to the village's core, close to the panchayat office. They were beaten and had their clothing torn while on the road. They were thrashed with blunt objects, undressed, and tied to a bullock cart while being beaten. The two sons defended them but were also grabbed, pummeling, and knocked around like a football. The boys demanded to rape their mother and sister in front of the community while the women were being abused and gang-raped.



Their privates parts were crushed when they objected. All four of the characters in this horrifying play passed away right there and then, lasting approximately two hours. Their murdered bodies were dumped close to a canal more than two km outside of the settlement. The father, bhaiyyalal bhotmange, who was in the fields when the attack started, returned to the village and, hiding himself, witnessed the entire gruesome scene. To tell the residents of the nearby village about this tragedy, he fled on all fours. Although two additional dalit families in the hamlet were aware of what was taking place, they chose to hide inside their homes out of fear.

People from the scheduled caste frequently think of elections as "just show business." they believe that since elections are determined by caste, wealth, and power, they are not justified and that spending money on them is pointless. When casting their ballots, people consider the candidate's caste to determine whether or not they will support them. They support them in the vote. According to dalits, elections are therefore neither justified nor the winner as neither of them could truly represent the electorate.

India's obligations under domestic law:

All people are guaranteed social, political, and economic justice by the indian constitution. The constitution provides various provisions to safeguard scheduled castes community and work to advance their status in order to protect the dalits, including the following;

- the practice of "untouchability" is outlawed under article 17 of the constitution, and any handicap that results from the practice is punishable.
- life and liberty are protected by article 21. According to the indian supreme court, this right includes the freedom from degrading and inhuman treatment, the right to integrity and personal dignity, and the right to prompt justice. When seen in conjunction with article 39a, which deals with equal justice and free legal representation, article 21 also covers the right to legal assistance for people who face imprisonment and are unable to afford counsel.
- article 23 forbids forced labour and other comparable types of trafficking in persons. Article 23 is particularly important for them because scheduled castes make up the majority of bonded labourers.
- according to article 24, no child under the age of fourteen may work in a mine, a factory, or any other hazardous firm. Again, scheduled caste people make up the majority of minors working as slaves in such dangerous businesses.
- article 45 mandates that the state work to provide free and required education for all children until they turn fourteen, while article 43 demands that the state guarantee all workers, whether they are in the agricultural, industrial, or other sectors, a living wage and working conditions that ensure a respectable standard of living.



- article 46 of the constitution states: the state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the scheduled castes and the scheduled tribes, and shall protect them from social injustice and forms of exploitation. This provision covers both development and regulatory issues. The state's courts are unable to enforce the article since it falls under the category of directive principles rather than fundamental rights.
- article 15(4) gives the state the authority to create any specific arrangements for the advancement of scheduled castes and scheduled tribes, as well as any socially and educationally disadvantaged segments of citizens. This specific clause was added to the constitution by the constitution (first amendment) act of 1951, and it has allowed some states to reserve places in educational institutions, such as technical, engineering, and medical schools, for members of scheduled castes and scheduled tribes. Additionally, it has made room for reservations in police departments.
- according to article 16(4), the government may "make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the state's opinion, is not adequately represented in the services under the state." in order to ensure administrative efficiency, consideration for the claims of scheduled castes and scheduled tribes, as per article 335, must also be given when filling positions and services related to the union or a state.
- the protective element of this strategy entails the application of the legal provisions of the scheduled caste and scheduled tribe (prevention of atrocities act), 1989, and the protection of civil rights act, 1955, as well as other state and federal laws, as well as "positive discrimination" through reservations in the areas of public employment and higher education. The national commission for scheduled castes and scheduled tribes oversees these safety precautions. The ministry of welfare manages the development initiatives for the scheduled castes' social, economic, and educational advancement through the state governments.

Ambedkar envisioned the state as a body whose goals were to;

Maintain each subject's right to life, liberty, and the pursuit of happiness as well as their right to free speech and the exercise of their religion; (2) eliminate social, political, and economic inequality by giving the underprivileged classes better opportunities; and (3) enable each subject to live in freedom from want and freedom from fear." for him, political, social, economic, intellectual, and spiritual freedom were the true forms of human freedom. Dr. Ambedkar made an effort to strike a balance between the rights of the person and the power of the state. By virtue of his profession as a lawyer and his temperament as a jurist, he emphasised the importance of the rule of law in a civilized society. He believes that the law performs more than just a legal function. It also controls how the nation and society live. According to him, society's social and moral consciousness, not the law, is what safeguards individual rights.



Rights will be safe and secure if social conscience is such that it is willing to acknowledge the rights that law decides to impose. Dr. Ambedkar attempted to find harmony

between the populace and the legal authority of the state. However, if the fundamental rights are opposed by the community, no legislation, no parliament, and no judiciary can guarantee them in the truest meaning of the word.

Conclusion:

Although india has achieved significant progress since independence in terms of the protections provided to dalits, dalits continue to experience terrible bigotry and harassment at the hands of members of higher castes and law enforcement officers. Both india's local laws and its duties under international law prohibit such mistreatment. Despite the indian government's denial of the issue of dalit exploitation and its citation of numerous legal protections as proof of compliance with international norms, the numerous stories of violence and discrimination show that dalits continue to be india's "broken people." the international community should keep raising awareness of the plight of india's disenfranchised population and pressuring india to uphold the standards set forth in its domestic laws and international commitments until the atrocities committed against dalits stop.

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