
Research Papers



CONSTITUTION AND HUMAN RIGHTS IN INDIA

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Introduction:

India has been called the “world’s largest democracy.” It is merely “A democracy of the few for the few and by the few” and is probably the largest violators of human right acts in human history. What is worse to notice is that untouchables can-not fetch a bucket of water from the village well or socialize in village tea stalls or cafes, as their touch pollutes everything. In fact, Dalits have been considered the most degraded, down-trodden, exploited and the least educated in Indian society. They are considered to be “untouchable” because their touch to high caste people is considered polluted and uncleaned. The caste hierarchy has excluded these people from the caste system and therefore, they are “outcaste.” For decades and until today, they have been barred from sharing water, food and shelter and are forced to live in ghettos, and hence are referred as “segregated.” They have been socially, cultur-ally, and politically subjugated and marginalized through three thousand years of India’s history. What is still surprising is that the Dalits experience the agony of untouchability very deeply in all walks of life: social, economical and political. Until today, India’s caste system has compelled them to perform the most inhuman jobs, from the manual scavenging, skinning animals, disposal of the dead animals, cleaning streets, landless labour, bonded labour, child labour and performing the most inhuman tasks, such as cleaning the toilet and disposal of human waste.

Caste System in India:

India is a country with a lot of traditions, culture, and beauty. The most pathetic part of these traditions is an unwanted, ugly, and inhuman structure called the Caste System. One cannot but feel ashamed of the caste system as this system continue to discriminate the human persons and stratifies them into different groups. In Hindu society, caste is still the most powerful factor in determining a person’s dignity. Socially, Dalits are placed outside the four-fold graded caste system of Indian Society. Hindu Scriptures divide the people on the basis of birth. The social structure of India is stratified, with inbuilt inequalities and injustices, based on the caste system sanctified by Brahmins. Although social stratification exists in almost all societies, the caste system is quite unique to Indian society. Sanctioned by the religio-philosophical system, the Dalits are socially placed outside the four-fold caste system and they are referred to as the fifth caste (outcaste). India’s caste system has existed for more than 3000 years and ap-pears to be deliberately and intentionally developed by the Brahmins (priests) in order to maintain their superiority over the other castes. Typically, the caste system is divided into 4 distinct classes. This is referred as “Varnas”. At the top the caste hierarchy is the Brahmins, the priestly class.

Violations against Dalits:

According to the Hindu religious belief, “All human beings are not born equal.” This creates caste-based discrimination against Dalits, which is then open to various forms of violence against them, which include public humiliation, torture, rape, beating, and killing, etcetera. The untouchability is the basis for atrocities and violence, denial of basic needs, land rights, legal discrimination, infringement of civil liberties, inferior or no people status, de-humanizing living and working conditions, impoverishment, mal-nourishment, bad health conditions, high levels of illiteracy and continuing social ostracism is continue to the reason for human rights violations against dalits. Even today, in rural India, Dalits are prevented from most common¹⁵⁸ social activities such as sharing water, food and drinks. They are barred from wearing shoes when meet-ing high caste Hindus. They are not allowed to cycle through village streets in which higher caste people live. They can be publicly dehumanized by small crimes such as shoing away a chicken, dogs, and other pets that belong to higher caste people. They are discriminated against, denied access to land, forced to work in the most degrading conditions, and are routinely abused by the hands of the police and higher caste Hindus who enjoy government protection. Most Dalits continue to live in precarious conditions and are not allowed to use the same well, visit the temples, drink from the same cups in tea stalls or even cannot claim the land that legal-ly belongs to them. Most Dalits continue to live in extreme poverty, without land, and they lack opportunities for better employment and education.

According to the National Commission of Human rights of In-dia, more than 78,000 human rights violations are recorded annually. On average, two Dalits are assaulted every hour, three Dalit women and children are raped, two Dalits are murdered, and at least two Dalits are tortured or burned every day. Due to space, it is not possible to describe an individual human rights abuse. Following are some of the most inhuman “Human Right Violations” that took place in recent time in India. Atrocities committed on Dalit women by the dominant caste in Karnataka are common. In Kambalapathi village in Kolar district an old man’s wife, daughter and two sons were burnt alive along with three others when members of a dominant caste set fire to three huts belonging to dalit families. This was not the only recorded incidence of violence. Dalit women are raped, teased, beaten, paraded naked and treated shamefully. Lakshmisagar is a village with 300 houses situated in Chitradurga taluk. The socially and politically strong Nayaka community resented it when a Nayaka girl Mamata eloped with a Dalit boy Kumara. A Dalit woman Bhagyamma was beaten up by Mamata’s family which accused her of having abetted the love affair. Bhagyamma told the team that her family was having morning tea around 8 am when 8-10 drunken youth entered the house, dragged her out, beating her all along and stripped her naked. She was so shocked that she defecated and wetted herself. Her husband Sakhanandappa was also not spared. She was dragged naked through the village to Panchayat office in the presence of the whole village and she was beaten with a rod, resulting in head injuries. While she was tormented, one Revanna Siddappa belonging to Nayaka community tried to protect her; he even tried twice or thrice to give her a sari - but every time the sari was torn off. This torture went on for about two hours. The police came and shifted her to hospital at Bhramarasagara, where she was treated. She was discharged after five days when her old mother took her to her village. Mamata’s father Chidannandappa and her brother Prakasha led the attack on Bhagyamma. Her tormentors included Vas-antha (s/o Shivanna), Kumara (Muddeloganna), Prakasha (s/o Bhangira Obanna), Hanumantha (s/o Hullyappa), Prakasha (s/o Chidannandappa), Suresha (s/o Eshwarappa), Obanna (s/o Kuruvanoor Obanna), and Manjunatha (s/o Shivanna). The police instead of arresting the culprits caught the lovers and enquired about their elopement. Mamata boldly said that Bhagayamma has nothing to do with her love towards Kumara and that they had married of their own free will. Instead of booking cases against the tormentors police have booked a case (IPC 107) against Bhagayamma. On the day the team visited the village, we came to know that Vasantha has been arrested, kept in custody for a day and released on bail. The team visited Sumitramma, mandal panchayat member belonging to the Dalit community and enquired about the incident. She was sympathetic towards Mamata’s father

Chidannandappa and denied that Bhagyamma had been paraded naked, though she agreed that Bhagyamma should not have been beaten. She said that she has not witnessed an inter-caste marriage in the last 20 years that she had spent in the village since her marriage. She said that she herself would have slapped Bhagyamma and would have warned her to desist from indulging in such affairs! Asked if she had visited Bhagyamma, she said no. We told her that being a member of mandal panchayat she had to be more responsible and her role should have been that of defending the rights of women and fundamental rights rather than endorsing caste dictates.

Indian Constitution and Dalit's Human Rights:

The Indian constitution divided the fundamental rights into six groups namely 1) Rights to equality, 2) Rights to freedom, 3) Rights against exploitation, 4) Rights to freedom of religion, 5) Cultural and educational rights, 6) Rights to construction-al Remedies'. These are primarily individual oriented rights. The concept of the Directive Principles of State Policy is that the state to secure a social order for the promotion of welfare of the people. Violation of fundamental rights suffered by the Scheduled Castes or Scheduled Tribes, the backward com-munities and the Minorities groups'. The scheduled Tribes and Dalits are amongst the poorest and the most vulnerable groups of the people in India. Sukhdeo Thorat highlights the widespread violation of Human Rights of Dalits. He mentions that Hindu religion and social order come into direct conflict with Human Rights'. Social Reformer, Leader of our freedom movement and the maker our constitution adopted special approach to deal with the discrimination against untouchables (Dalits) and then banished the practices of untouchability and empowered Sc's and St's in various ways by incorporating many special and affirmative provisions in the constitution.

The Indian Constitution, written by such great patriots as Dr.Babasaheb Ambedkar is a unique in the world'. Under article 17th the constitution untouchability is abolished and it's practice in any form, it is punishable offence. To give effect to this article, parliament enacted untouchability act 1955 to make this provision of this act more stringent, this act was amended in 1976 and renamed as the protection of civil rights acts 1955. But the scheduled casts and scheduled Tribes were not totally covered under this provision, parliament passed another act known as the scheduled castes and scheduled tribes act 1989 that is called 'Atrocities'.

Despite the fact that 'Untouchability' was abolished under Indian constitution in 1950, the practice of untouchability, the imposition of social disabilities on persons by reasons of their birth in certain castes remains very much a part of rural India.

This Atrocities act 1989 was brought into with effect from January 30, 1990. Even after 60 years of constitutional and legal protection and support, there is still wide gap of social discrimination against Dalits in many parts of our country, more particularly in Rajasthan. Government is not very sincere to ensure the equality of all sections of our society and is not taking all the necessary steps to help in social, educational and economic empowerment of Dalits. 'Women's also suffered by the caste discrimination. Dalit women are thrice discrimination, treated as untouchable and as outcastes due to their caste, face, gender discrimination being women and finally economic impoverishment due to unequal wage, disparity with law or underpaid labour'. If there is the male is dominated in the society, Dalit women suffered unimaginable oppression through caste, gender. A large majority of the illiterate population comprised of Dalit women with 76.24% of Dalit women are illiterate because many Dalits are not aware of their rights which provision special designed to protect them. For the OBC's, the supreme court delivered a judgment on 10th of November 1992 and uphold the reservation of 27% of vacancies in civil posts and services under the government of India. 'Now, besides all those things, the National Human Rights Commission also focuses on women and children, trafficking and childforced labour'. The National Commission of Backward Classes has been set up a permanent body, A National Backward Classes Finance and Development Corporation has also been set up as a company not for project but with the objective of providing concessional finance to the member of OBC's living below double the

poverty line for their socio-economic development by extending loans for income generating schemes’.

Indian constitution provides protection to the minorities under article 29. Article 29 (1) have the rights to citizens to conserve their culture, script or language as they from any section of the citizens residing in the territory of India or any part or thereof.

Article 31 (1) gives the rights to minorities to establish the education. Article 32 (2) enjoys that state shall not discriminate against any educational institution granting aids, in the ground that it is under the management of minorities, whether based on religion or languages.

Article 350 (A) bound the state to provide the adequate facilities at the primary stage of education to children belonging to linguistic minorities. In this way, the Indian constitution makes the various provisions to protect the Dalit’s and minorities rights. But these provisions are not adequate. Until the implementation of the law successfully will not do, the human rights are not protected.

SUGGESTIONS:

Only the laws are not sufficient. The implementation agency is also important. Need to improve the police efficiency to protected the Dalit’s human rights. Make the adequate law to protect the women’s rights. National Human Rights commission and State Human Rights commission have strictly to pay the attention to protect the people’s human rights and government also empowers this commission. Each and every person respect to others rights to protect his own rights. Introduce the new programme by government for awaking the people to eradicate any type of discrimination from society.

CONCLUSION:

Human Rights are the broad concept. Each and every person needs these rights for his development. But Dalits human rights are always violated by the others. There are many provisions for the protest of Dalits human rights, but these articles are seriously not implemented by government agencies. Because of that, the human rights violations are create. If the above suggestions are executed, then the violation of rights may be under control.

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