



Dalit Rights: A Contemporary Issues And Analysis of Implement The Dalit Rights In India

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ABSTRACT

After the civilization of every society or the process of the being civilization is mainly measured by the democratic perspectives. The democratic determine the socializations and secularism, based upon the equality of people. Every one has need dignity and freedom in their basic accessibility of life, its only grantees by the Rights through law. Democratic means equality in the all the level of people without any discriminations, on the basis of caste, religion, sex, race and languages. This kind of discrimination issues generally arise in the minority and low socio economical status groups in any nations. Normally they are excluded in all the basis means of life, here is noted that Rights of this category people. Dalit is one who is excluded people in all the aspects of the living status of country like India. Before and after the independence in India exclusion is prevalent across the nations. Eliminations are another part of arena to eradicate and prevent the exclusions in both nationally and internationally to the humans in the world. Based upon the United Nations Declarations of Human Rights 1945 (UDHR) guaranteed the Rights of individuals for the life, dignity and freedom. International Covenant on Civil and Political Rights (ICCPR) 1979, reveals that avoid social discrimination, respect and equality in court of law and many international legal safeguards of Dalits. Nationally the dalit Rights defined in Indian Constitutions 1950 against the discriminations on race, caste and explains untouchability. Apart form that Protection of Civil Rights Act 1979, Protection of Human Rights Act 1993 and Sc/St Protection of Atrocities Act 1989 are combined to exhibit the untouchability, discriminations, dignitary and self respect and so on. In this paper to discuss the various laws and Rights to protect the Dalits in socially, economically and educationally in the global perspectives.

KEYWORDS :

1. Introduction

Democracy determines by the Rights and Rights determine the equality, justice, and dignity to the people as well as individuals. Globally the population of the dalit is nearly 2 percentages, according to the 2011 census nearly 20.8 % of Dalits are living in India Census GOI (2011). They are most socially, politically, economically and educationally backward. The present status and situation of the Dalits in India are more vulnerable by all the sorts of society. They are generally excluded by the so called upper caste people in India, even after the independence. Historically the Dalits are excluded on the basis of caste, United Nations defines the caste discrimination is on the basis of work and descent, it's followed by oppressive, hierarchical ordered by the people according to the family birth. Then Brahmanism also very strong to segregate the low caste in the Hinduism. This type of impact may be the Dalits are turn to Christian and Muslims. Dalit is one who is excluded people in all the aspects of the living status of country like India. Before and after the independence in India exclusion is prevalent across the nations. Eliminations are another part of arena to eradicate and prevent the exclusions in both nationally and internationally to the humans in the world. Based upon the United Nations Declarations of Human Rights 1945 (UDHR) guaranteed the Rights of individuals for the life, dignity and freedom. International Covenant on Civil and Political Rights (ICCPR) 1979, reveals that avoid social discrimination, respect and equality in court of law and many international legal safeguards of Dalits. Nationally the dalit Rights defined in Indian Constitutions 1950 against the discriminations on race, caste and explains untouchability. Apart form that Protection of Civil Rights Act 1979, Protection of Human Rights Act 1993 and Sc/St Protection of Atrocities Act 1989 are combined to exhibit the untouchability, discriminations, dignitary and self respect and so on. In this paper to discuss the various laws and Rights to protect the Dalits in socially, economically and educationally in the global perspectives.

2. National and International perspectives of Dalit Rights

2.1. International Perspectives : Universally accepted Rights of the human and India has accepted and party of the (UDHR 1945) Universal Declaration of Human Rights is grantee equal human Rights to the entire human in the universal. Many articles exhibit the Rights to marginalized and excluded peoples. Article 1 and 2 explains the human are born free and no discrimination of sex, religion, colour, religion and right to life and liberty and security of individual. Article 3 reveals that humans are free from torture, inhuman and degrading treatment its mainly against untouchability. Article 5 explains the equal before law, Article 7 right to remedy for the fundamental Rights violation. Ar-

icle 8 right to public hearings and fair justice, Article 10 and 12 exhibits the arbitrary arrest, privacy, damage honor and reputation of the person. In this context India has failed to protect the dalit from the various discrimination and atrocities in under the UDHR. India is also accepted and agreed with the International Covenant on Civil and Political Rights (ICCPR 1979), may India will not satisfied and failed to implement this covenant. This covenant is against the discrimination of social origin, against torture, equality, protection and equality before law. Article 2 explains the respect, dignity and ensures effect to the Human Rights. Dalits Rights in India based up on the ICCPR it also fail and violated in our country, still Dalits faced various social discrimination and caste violence. Final one is CERD India also signed the Convention on the Elimination of All Forms of Racial Discrimination (1968) This international convention deals to eliminate the all forms of racial discrimination for the socially excluded people and any persons, CERD committee found still in India allowed discrimination in the all the forms of Dalits. International Labour Organization Convention (ILO, 1958) deals the equal pay for work equal value. Finally Conventions of the Rights of the Child (CRC, 1989), explains that children protection from the bonded labor, dalit children forced bonded labor, prostitution of Dalits (Devadashi) system, may India obligated to prevent the bonded labour of dalit and Devadashi system. Though both National and International agreements and covenants are still violated in India, across nation shown that many atrocities and Human Rights violations against the Dalits in India is common in nature and unpreventable one.

2.2. National Perspectives:

India is the largest democracy and globally developing nation in the world. India accepted and agrees the many international covenant and treaty in globally. India voluntary involved and took part many against atrocities and human Rights violations in globally. Many more times India rise the voice against the war crimes, genocide, race discriminations, child protection, women protection and many human Rights related issues. India has the worth and value Constitution law with its. Constitution of India focused all the level of people without any discrimination on the basis of caste, religion, sex, language and so on. Dalits the term normally generated in the scheduled caste, its refers to the underprivileged castes and it originally recognized in 1935 by the British government. According to India Constitution (1950) Article 17 explains the Untouchability is banned and equal to crime. Before the independence untouchability not separately focused after only its get included in Indian Constitutions. Untouchability one of the heinous crime and act against the Dalits, this article against the discrimination and avoid mistreatment by the upper caste people

and law enforcement and judicial department. Article 14 grants the state gives the equal protection of law to any persons without any discrimination within the territorial jurisdiction. Article 15 directly focuses on the non-discrimination of caste, religion, race, gender and place of birth. Then the article enacted special provision of scheduled caste for their protection, against the denied to access public places and accessories. Article 16 grants that employment in the government sector and related promotions. Then it's important in education sectors admitting Dalits in schools and colleges and universities also in the political participation in the legislative assemblies and parliament. Article 29 exhibits to provide the upliftment of socially excluded people and its prohibit to deny the admission in any aided educational institution. Article 46 promotes the special attention to the educational upliftment of scheduled castes and scheduled tribes. Article 330 and 332 promotes and special reservation seats of Sc/St to participate in elections.

3. Contemporary issues of implement Dalits Rights and its victimizations

3.1. Dalit Rights in India:

India has a value and strong Constitution within it to maintain the Democracy in our country past five decades but the democracy is not truly happened, lot of atrocities, discriminations are found many ways. Particularly its forced by the upper caste people to the lower caste (Dalits), they are excluded the own people in India. Even though India has agreed and party with many International Conventions, treaty and conventions, still the violations and discriminations implement to the marginalized people especially Dalits in India. Based upon this context India enacts many Acts of Dalits to protect from the discrimination and atrocities in socially and educationally. Also they formed the commissions and committee to watch out and process of the acts in India. Untouchability is the concept previously known as offences in the act Untouchability (offences) Act, 1955 latterly it amend as Protection of Civil Rights Act 1976 is evident to protect Dalits from the atrocities in grass route level but lack of awareness its not reached in the bottom level of Dalits and state not take much effort. Protection of Sc/St is again the difficult task to the state, 1989 after the 40 years of Independence still atrocities is pointed in high level of incidents of the Dalits. After that state enacts the Scheduled Caste and Scheduled Tribes (Prevention and Atrocities) Act 1989 particularly protect Dalits and first time focused the tribes also included. Lot of issues after this act is aroused in India, main myth is Dalits are misusing the act and mishandling this projected by the so called upper caste Hindu society people. Another crime against Dalits by the upper caste people is not register under this act and lack of awareness of Dalits about this act and its provision they don't know its crime. Lack of awareness of law enforcement officials to register the cases and avoiding nature to register cases under this Act. This act suggests special court and prosecutors for this case process. After so many domestic laws enacted to protect from discrimination in the various social aspects in India, due to the socioeconomic status of Dalits, an instance of the employing in manual scavengers to clean dry latrines and remove human waste. Manual scavenging is world lowest job in the world early noted. Based upon this to protect dignity and health care state enact Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993, but still this degrade things occurring across the nations. Lot of issues to implement this act due to lack of interest by the State not providing the infrastructures and equipments this degrade things also continues in our country.

3.2. Victimization of Dalits: Generally Dalits subjected to various forms of caste oriented discrimination most of villages in India still practiced the untouchability, A study find out that near 27.6 percentage Dalits are sit separately in governments schools, 25.7% of Dalits were prevented police stations and attend to cases and registered. 33% of the villages not permitted to enter ration shops, 48% of the denied to access water, 35% of the paid lower wages, 64% Dalits are not entered Hindu temples and also 50% prevented to cremation grounds, most of 73% of the Dalits were not permitted to non dalit dwellings (IDSN 2006). Dalits always faced Victimizations by the caste Hindus in India various forms. According National Crime Records Bureau statistics analysis of crime against Dalits over the period of 2001- 2005 finds every day 27 Dalits are faced the atrocities, every week 13 Dalits murdered all over India, every week five Dalits home are posses to arson, 6 Dalits were kidnapped every week for subjected to slavery and bonded labours, heinous to 3 Dalits women were raped every 24

hours, every day 11 Dalits were beaten and overall every 18 minutes a Dalit is subjected to various forms of victimizations, (NCRB GOI). State also form commissions in both National and State levels National Human Rights Commission (NHRC) and State Human Rights Commission (SHRC) and also State has special commission for Scheduled Caste and Scheduled Tribe in India to deal with Dalit issues and problems in India.

5. Suggestions and Conclusions:

Implementing any law or act is difficult then enacting that. After arising any issues its affects societies directly or indirectly, may fully or partially to the society people. It may affects minorities (excluded or Dalits) it should be prevent or curb the menace only our legislations. Past 60 years a group of people getting excluded and discriminating in inhuman manner in our country. India has lot of laws and Act to protect the Dalit people from various atrocities, but issues the law is not implemented properly and unaware in grass route level. Discrimination in the entire arena of societies and particularly in educations, it's not tolerable. Because of educations is a tool to develop any society. Implementing and enforcing law by the law enforcements important one the law is effect or not effective whether its live or dead. State has various commissions and special act to follow the act and rehabilitated and safeguard to the socially excluded people. State should grub and conduct various researches to finds implementing issues in the contemporary level. State should initiate finds discriminations in education institutions and encouraging many researches to prevent and find solutions through the academic research.

References

1. Convention on the Elimination of All Forms of Racial Discrimination (1968) CERD
2. Conventions of the Rights of the Child (1989) CRC
3. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993)
4. International Covenant on Civil and Political Rights (1979) ICCPR
5. International Dalit Solidarity Network (2006) Denmark.
6. International Labour Organization Convention (1958) ILO
7. National Crime Records Bureau
8. National Human Rights Commission
9. Protection of Civil Rights Act (1976) PCR
10. Protection of Human Rights Act (1993)
11. Scheduled Caste and Scheduled Tribes (Prevention and Atrocities Act) (1989)
12. State Human Rights Commission
13. The Indian Constitution (1950)
14. Universal Declaration of Human Rights (1945) UDHR