



Is it possible for dalits in india to enjoy third generation human rights?-An overview

KEYWORDS

Human rights, solidarity, covenant, generation, discourse.

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ABSTRACT

All human beings are born equal in dignity and status and have the every rights to live as a human being. Human rights are attributed to all individuals in the society irrespective of caste, class, gender, descent, race, religion and boundary etc., Human rights are essential pre-condition for the development of human personality and Nation . Third generation human rights is nothing but solidarity or group or collective rights of society. It is first articulated in second half of 20th century and also not been incorporated in any International treaties, conventions and country's law. Even after completion of 68 years of Indian independence and having numerous protective and development measures for dalits in India, continuing practice of untouchability in different forms, atrocities, violence against dalits are increasing day-by-day and remain much exploited. Dalits are struggling for protecting themselves from all kinds of injustice and exploitation in everyday in all walks of life. When they struggle for first and second generation rights, Where is the way? for dalits to claim and raise their voices in human rights discourse for realizing and enjoying third generation human rights, remain it is unofficial in india and International covenant. Third generation human rights provisions are long and distant dream for dalits in india to be realized and enjoyed.

Introduction

All human beings are born equal in dignity and status and have the every rights to live as a human being. Human rights are inborn natural and basic rights of all individuals in the society, human rights are not conferred one. It is more comprehensive, universal, dynamic in nature. By virtue of human being, one can enjoy these rights. These are all inalienable rights of every individual in the society. Nobody can sanction and violate these rights.

Generally, human rights provisions which are included all kinds of rights like civil, political, economical, social and cultural rights of individuals in the society. Human rights are attributed to all individuals in the society irrespective of caste, class, gender, descent, race, religion and boundary etc.,

Nowadays human rights are expanding day by day in different forms. Human rights are essential pre-condition for the development of human personality and Nation and also it is more essential for establishing egalitarian society in the world. Because, human rights principle emphasize respect, status and dignity of each and every individuals who are in society.

Academically human rights are classified into three categories like first, second and third generation rights. These three generation of human rights are advanced by Czech jurist Karal Vasak. He inspired by three themes of French revolution, they are composed of civil and political rights (liberte) as first generation, social- economic and cultural rights (egalite) as second generation. Solidarity or collective or group rights (fraternite) as third generation . All these three generation rights are interdependent and interpenetrating in nature. Universal declaration of Human rights Act, 1948 which included only first and second generation human rights provisions only. This act does not include third generation human rights provisions. Third generation human right provisions remain largely un-official in the world except for charter of fundamental rights of European union. No country in the world and International treaties does not include the third generation human rights.

Third generation human rights provisions are remaining largely un-official in india also.

Actually first generation human rights provisions like civil and political rights are designed to protect and emphasize individual against state interference in date back to 18th century. Second generation human rights provisions like social, economic and cultural rights are emphasized in 19th century in response to widespread poverty in wake of industrial revolution It prohibits government from denying access, entitled individuals to get protection from state. Here states are obliged to make measures to improve overall social situation.

But third generation human rights is nothing but solidarity or group or collective rights of society. It is first articulated in second half of 20th century and also not been incorporated in any international human rights treaties and country's law. Third generation human rights emphasize the following provisions like as:

- Right to economic development
- Right to self determination
- Right to prosperity and peace
- Right to benefit from economic growth
- Right to social harmony
- Right to healthy environment and health
- Right to participate in cultural heritage
- Right to natural resources
- Right to intergenerational equity

Third generation human rights are necessary for ensuring appropriate condition of society to be able to provide first and second generation human rights. Categorizations of this third generation of human rights should not be merely as academic distinction but it should be blurred and fused together by all countries of the world.

Problems and issues of Dalit community in India

Generally the word 'dalit' means oppressed or depressed class of society. In India dalits are not only untouchables, they are down-trodden, landless poor, socially, economi-

cally, politically and culturally subjugated and marginalized exploited social group. In India dalits constitutes 17% of total population, one sixth of India's population is dalit. In India over 170 million dalits are living with experience of caste discrimination, violence, atrocities and social exclusion on daily basis. Dalits constitute 2% of the world population.

In India caste is the very powerful tool in determining one's dignity and status. we cannot find this type of caste system anywhere else in the world other than India.

Job of Dalits

In India scavenging and street sweeping is considered as exclusive job of dalits. All kinds of work that involve dirt are allotted and performed by dalit people. These include

- Removal of carcasses and skinning them
- Tanning hides
- Manufacturing of Leather goods
- Burning death bodies
- Burial of cremation grounds
- Cleaning excreta from railway tracks
- Dragging away dead animals
- Cleaning manholes
- Cleaning waste in public ditch and places
- Manual scavenging
- Cleaning waste at hospitals

All these jobs are performed by dalits as a profession

Bonded labour system

Most of the dalits are victims of bonded labour system. This system is practiced in most parts of India especially in agriculture and allied sectors. The wage given them is very low, Wages are below the minimum wages act. Though it is legally abolished, still it is prevalent in most part of India.

Migration

In rural areas large number of dalits migrated to other urban areas for want of employment and escape from caste discrimination and atrocity. Migration creates number of socio-economic problems for dalit families especially for children. Seeking rented house in urban and semi-urban areas also denied to dalits, if they openly tell the caste name to upper caste house owner.

Marriage

A Marriage procession of dalit can't enter into village from main-gate. Their marriage ceremonies should be more simpler than their higher caste counterparts in the villages. There have been incidents of attack on dalit bridegroom when he attempted to sit on traditional horse on his way to marriage ceremony.

Funerals

When a dalit dies, his dead body cannot be carried to burial ground via main village entrance or gate. Instead of, his body must be taken into burial ground via either village back door or long detour.

Temple entry and car festival

Dalits are not permitted and allowed to enter into temple to worship main deity of god in village temples. Dalits are not allowed to participate and pull the temple car in village temple festival.

Deprivation of Land rights

In India most places, dalits are not allowed to access land

for their own benefits. They have to work for other higher caste people land for meager wage. They are also subject to all kinds of abuse. Most of the traditional dalit lands are encroached upon and occupied by higher caste people. In India, tenancy and land ceiling acts are not solved their own purpose and not yielded desired results.

Denial of Political power

In India most of the political parties have not given satisfactory political recognition and voices in democratic process for dalits, beneficiaries of caste system have vested interest in doing so. Available study indicates, though dalits are enjoying reservation in local self government - institutions, dalit members and leaders are sidelined by upper caste people, if they act independently.

Problems of Dalit women

In India, Dalit women are more vulnerable than non dalit women, because dalit women face triple discrimination and burden in the name of caste, poor and gender. Jira, jogins and devadasi system is still prevalent in most part of India, Dalit women are victims of the system. This type of system threatens the dalit women dignity and respect. Health and nutrition status are also very poor among rural dalit women. Dalit women are sexually harassed and exploited not only by upper caste and state actors also.

Dalit children

Dalit Children by birth as they enjoy low caste status. They cannot go to school or play in non-dalit localities. During the mid-day meal hours in schools, dalit children are asked to sit in separate queue. In villages non dalit children are taught to treat dalit children with contempt. Dalit children are taught to treat non dalit children with respect. Elders of dalit community people also do like this. In some cases dalit teachers in government schools in rural areas are attacked and beaten up by non-dalit students parents for daring to scold non dalit children not doing their homework. High rate of dalit children drop-out of schools occurred in rural areas due to caste discrimination at schools and economic compulsion of dalit family. Upper caste teachers also discriminate the dalit children in rural government schools.

Other forms of atrocities against dalit community

Dalits are not allowed to sit in common dining hall in rural hotels runned by upper caste hindus. Two tumber system is still practiced in tea shops in most part of Indian villages

Dalits are not permitted to collect drinking water from the common well shared by upper caste hindus.

Cast hindu children at rural schools avoiding to take food in mid day meal programme when dalit cook prepare the food.

In rural areas dalit people are not allowed to walk, cycling and wear shoes through dominant upper caste hindu settlement area.

Dalits are not allowed to sit at bus stop like public places on par with upper caste Hindus.

Dalits are residing in corner side of the village settlement

In most of part of Indian villages, Dalits are small group of socially, economically and politically vulnerable minority, residing in remote and corner side of actual village settle-

ment. Because of untouchability and low caste status by birth, they have less power to make resistance and protection to avoid exploitation in a locality

Moreover most of the village infrastructure development programmes are undertaken and established in upper caste hindu areas only. In this regard ,Dalits settlement are sidelined by state actors also. Dalits are living outside the actual village settlement. In some areas, Dalits have been systematically attacked, socially boycotted by upper caste people for claiming their land rights, minimum wages,education, housing, food, water and infrastructure development etc., by both state and non state actors. Dalits are normally beef eater. In India most of the states have banned sale and export of beef meat. Right to food is also denied to dalit community.

Conclusion

After liberalisation of Indian economy, India has made tremendous growth and advancement in economy, Science and technology, industrial growth, infrastructure development, medical advancement and space research. But in India still more number of the dalits continue to live in extreme poverty, Un-hygienic living condition and settlement, without proper housing, electricity, sanitation and safe drinking water etc., Most of the dalit people are struggling for enjoying better employment and education opportunities except for smaller number of dalits who have got benefited better education and employment through rule of reservation. In India dalits are facing lot of caste

discrimination, atrocities and violence in all walks of life as an untouchable. This type of oppression is a social curse of past 3000 years historical experience of India. Available data, indicates that in India a crime is committed against a dalit in every 18 minutes, 3 dalit women reped in every day, 6 dalits kidnapped and abducted in every week, 27 atrocities occurred against dalit in everyday, 13 dalits are murdered in every week. Dalits are facing lot of verbal abuse,physical assault and harassment on daily basis in all walks of life.

Even after completion of 68 years of independence, though India is constitutionally and legally bounded to ensure justice, peace, freedom, equality and fraternity to be a reality, the forgoing discussion clearly brings to lime light that human rights provisions enshrined in constitution of India and International treaties are having the appearance of meaningless for dalit people in india.Despite having, numerous protective and development measures for dalits in India, continuing practice of untouchability in different forms, atrocities, violence against dalits are increasing day-by-day and even remain much exploited. Dalits are facing collective violence and atrocities for claiming their collective rights. In India dalits are struggling for protecting themselves from all kinds of injustice and exploitation in everyday in all walks of life.When dalits are struggling for first and second generation humanrights, Where is the way for dalits to claim and raise their voices in humanrights discourse to enjoy third generation human rights?...