

Dalits and Human Rights in India: A Critical view on Existing Practises

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Abstract

This paper intends to contextualise the socio-economic and political rights of Dalits in India and evaluate the issue of human rights and its impact on framing the Indian Constitution and the rights of Dalits. This will attempt to evaluate the human rights from two stand points: philosophical and historical. Human rights are very important part of human life, since these can help human beings to lead decent and dignified lives. This article will also seek to explore instances of violations of human rights of Dalits. It will also further critically analyse the viewpoints of Ambedkar and Gandhi on the human rights discourse.

Introduction

Human rights are those rights which enable people to live with dignity and lead a decent life. The right to life was the earliest right that recognised human beings. According to Jacques Martin, “the human person has right, because of the fact it is a person, a whole, a master of itself and the human person has the right to be respected. These are the rights there are given to a man because of the very fact that he is a man” (Haragopal, G, 1997: 3). Human Rights a general term and it embraces civil, political, social, economic and cultural rights. It is emphasised that, “Human rights are not the gift of any political superior, but these are entitlement of the people” (Khandela, M. C., 2012:3). The Protection of Human Rights Act of 1993, defines human right as” “The rights relating to life, equality and dignity of individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the Courts of India” (Thorat, S. K., 2003: 67). Thus, Human Rights are those rights to which every individual is entitled and seek redress, if these are violated. Human rights provide for the protection of the rights of people and, at the same time, create awareness among the people. It is a duty of every one to understand that they cannot deprive others of their rights. Human rights are provided to the people irrespective of caste, gender, race, ethnicity, nationality, and place of origin.

It is noted that an individual need human rights. It is the realisation of man that he is a human being. The feeling of being a human is a pre-condition for the enjoyment of rights. For instance, a person living in conditions of slavery or as a bonded labourer, cannot be expected to think and act like a normal human being. “Where slavery exists, human dignity itself denied brings shame to all who claim to be compassionate or committed to the weak and the vulnerable of the world. Human rights are nothing if not the insistence on freedom from bondage and coercion in all aspects of life” (Haragopal, G, 1997: 1). The term ‘human rights’ can be regarded as having a political foundation. However, the political connection places some restrictions on individuals, mostly on grounds like public interest and welfare of the majority. The idea of human rights is the commitment to ensure individual worth and individual dignity (Haragopal, G, 1997: 2).

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The Evolution of Human Rights: Philosophical Perspective

In the earlier period, there was hardly any notion of human rights since most of the power was with the monarch. There were no rights of people such as freedom of speech, expression, association and of petition. In course of time, the Social Contract Theory gained momentum. There was a sharp contrast observed with the past in social institutions and equality and justice. As a result, people started demanding rights and freedoms. Locke and Rousseau believed that the government which did not respect natural rights should legitimately be opposed through civil disobedience and rebellion. The idea of human rights started in the writings of western philosophers such as Hobbes. John Locke was a great philosopher and political theorist (Jain, N., 2006: 144). He had explored the idea of limited power to the kings. He was among the first to advocate the natural rights for human beings, simply because they were a human. Therefore, the advocates of human rights felt that these natural rights should be protected by the government (Jain, N., 2006: 19).

The people started becoming more conscious about their natural rights which were provided by nature. Bentham posits that "Rights are the child of law: from real law come from real rights but from imaginary laws, from law of nature, come imaginary rights. A natural right is simple nonsense, natural rights and imprescriptible rights". Subsequently, David Hume and Edmund Burke discarded the concept of natural rights in certain issues since these were considered to be the imagination of human beings (Haragopal, G, 1997: 5). During the 15th and 16th centuries, leading philosophers were talking about the rights for human beings. Subsequently, during the 17-18th century, Montesquieu, Voltaire and Rousseau elaborated on the concept of the theory of natural rights. Later on, the philosopher, Thomas Paine, wrote the classic work "The Rights of Man", which was based on the political theory of John Locke.

During the latter half of the nineteenth century, J. S. Mill opposed the rights to confrontation and he found the domain of rights in the liberty of individual human beings (Haragopal, G, 1997: 6). Mill supported the concept of individual liberty for human beings. Subsequently, the modern notion of human liberty and freedom of the people were reflected in the Universal Declaration of human rights charter which emphasized on human dignity and absolute rights. Thereafter, in 1948, human rights became an almost universal legal document. It had given importance to the individual rights at the state level. Soon, a debate started between the concept of civil right and political right and the socio, economic and cultural freedom became a part of the human rights discourse. As a result, the United States of America declined to be a party to Universal Declaration of Human rights due to its reservations regarding restraint on the capitalist freedoms. However, the significant encounter between two distinct world-views over two decades culminated into two Worldwide Agreements and has an option protocol. The Liberalism emphasised to the relative autonomy of the social institutions and the private spheres of the individuals giving ride to civil rights (Haragopal, G, 1997: 7).

Evaluation of Human Rights: Historical Perspective

Magna Carta was one of the earliest documents to formalise the human rights. Magna Carta was written in the year 1215 in England. It was a contract between King and the Lords. The English history witnessed a radical change in that year. It made the king almost powerless. Though, it

imparted power to the federal structure, it is a historical document in the emergence of rights in England. Though, Magna Carta yielded certain concessions only to the feudal lords, it did set limitations to king's rule and laid the foundation for the Rule of law (Sergio, B., 2009: 18). According to Magna Carta, the king had to consult federal authorities. The document laid emphasises on the decentralisation of power and opposed the individual centric human rights. The idea of human rights again emerged as a powerful issue during the Enlightenment of Europe in the 16th century in England. It emphasised on scientific knowledge and rationality of human rights. The Petition of Rights came into existence in the year 1628 and it had reduced the power of king in England which was the turning point in the recognition of rights of individuals (Sergio, B., 2009: 87). A number of revolutions took place in England in the year 1688 to challenge government. As a result, in 1689, the English Bill of Rights was enacted. This Bill restricted the power of the Monarchy and gave powers to Parliament. Later on, the scope of rights of individuals were widened in the 17th and 18th centuries. The notions of human rights were further expanded by many thinkers in the United States.

In this context, let us briefly examine the United States Bill of Rights. Within a few weeks of the French Revolution, the Parliament of United States of America in September 24 1789 enacted the Bill of Rights (Sergio, B., 2009: 25). These revolutions advanced the notion of equality, liberty, fraternity and social justice. These revolutions further created hope in the minds of people that recognition of human rights is indeed possible. United States Bill of Rights really was the base to establish democracy which recognised the dignity of the individual, which later on emerged as the basic human rights.

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights was brought into effect by the United Nations Organisation on December 10, 1948. It was considered as the milestone in protection and promotion of the Human Rights. The Declaration provided a set of standards and a model for countries to follow and established its own standard on Human Rights (Jain, N., 2006: 146). The UDHR had given importance to dignity, equality, freedom, justice to the people. Further, the Declaration proclaims that human rights should be protected by rule of law. While promoting the development of friendly relations between nations, it protects the fundamental principles of Human Rights, i.e., the dignity of human beings and equal rights for Men and Women. It promotes social progress and better values of human beings. The Universal declaration of Human Rights became the foundation for International laws and domestic human rights laws. Therefore, it can be said that the United Nations had accepted the universal truth, i.e., "all human beings are born free and equal in dignity and rights" (Jain, N., 2006: 21). UDHR was the first legal document on human rights, which was rightly considered as the International Magna Carta for all human beings which became the milestone in the history of human rights. The UDHR has certain principles. Further, the Declaration had proclaimed: "A common standard of achievement for all people and for all the nations. Keeping the declaration constantly in mind, shall stay by teaching and educating and promoting respect for the rights and freedoms and by progressive measures at the national and the international to secure their universal and effective recognition on observance of rights" (Prasad, R. N., 2011:209). The Declaration elaborated and represented the concept of human rights for the first time in the United

Nations and allocated social, economic, civil and political rights. Further, the Declaration represents many issues, i.e., right to life, liberty, security, freedom, expression, assembly and association, right to vote, participation, equal protection against discrimination and equality, etc. It created consciousness in the human mind about these rights at the national and international levels. With this background, let us examine the Indian Constitution critically. The idea of a written Constitution came up during the freedom struggle.

Adrian Vasile divided the human rights into three generations. The first generation of the human rights included civil and political rights; the second, socio-economic and cultural rights; and the third, development rights or collective or group rights. The first generation of human rights emphasised on the civil and political rights such as right to life, liberty and right to associations. The second generation of human right laid stress on the socio- economic and cultural rights such right to work, property and religion. The third generation of human rights was focused on the collective, or group, rights such as, solidarity rights, right to development and environment and peace. These rights are also known as the positive rights (Wellman, C. 2000: 639). Through many Declarations and Documents human rights emerged in the world. All these the generation of human rights are receiving from Indian points of view as Indian Constitution emphasised at the same rights which are enshrined in there generation of rights to protect the socio-economic and political rights of Western country. It is also pertinent contextualize human rights the three generation.

Though in the modern era, the human beings do have the rights but in Ancient times, there was no mention of rights. A few sections had all the privileges and others don't have the rights. According to Manusmrti, Indian society divided into four Varnas. The Brahmins had the total control on remained castes. Manusmrti denied the rights of depressed classes and they were living without rights. The problem of caste is very multifaceted as the philosophy of Hinduism is rooted in hierarchical and rigid worldview. Besides that, they were denied all the rights: socio-economic and political rights. To come out of these social shackles, the Constitution of India emphasises on equality, liberty and fraternity. This aims to promote egalitarian values. To end the hierarchical social order, Indian Constitution directs the state to build up a new social order and promised the social: economic and political justice to all human beings equally (Begari, J., 2014:159). The Hindu social order was based on the principles that predetermined by caste based the caste and birth and grading system. Author argues that the doctrine of inequality is the crux of the Hindu social order. What is important is that the philosophical elements in Hinduism also directly or indirectly supported the system which is undemocratic and inequitable.

Indian Constitution and Rights of Dalits

The Constitution of India has adopted the fundamental rights and Directive Principles of State Policies. The preamble of Indian Constitution comprised the egalitarian values promotes and protects the egalitarian values. The preamble of Constitution says "It is solemnly resolved to secure & protect the social, economic and political rights; liberty of thought, expression, belief, faith and worship. Besides that, equality of status and opportunity, and promote fraternity among the citizens and assuring the dignity of the individual and unity" (Umakant& Throat S., 2004: 297). The Indian Constitution enacted many laws against the discrimination and provided the special

protection for the untouchables. Subsequently, the untouchability was legally abolished by the Untouchability Offence Act of 1955. Though, Government abolished the discrimination, however, this process is still going on in India. Later on, this Act was renamed as Protection of Civil Right Act 1955(PCR) by the government of India. Subsequently, the Indian government had enacted new Act, i.e., Scheduled Castes/Tribes Prevention of Atrocities Act in 1984 and made like more strict provisions to abolish untouchability and prohibited discrimination in any form.

The Constitution of India contains many provisions for protecting the interests of Dalits. In this regard, it is an important to analyse the Indian Constitution. The Preamble to the Indian Constitution makes a mention of social justice and dignity to all human beings and upholds the liberty, equality and fraternity, establishing an egalitarian society and social, economic and political democracy (Bhumi, A., 2007: 57). The aim of the Constitution is to provide a substantial degree of social, economic and political equality for the human beings. It needs a sustained process to provide adequate facilities and opportunities for all human beings (Bhumi, A., 2007: 57). Though untouchability has been outlawed in India, it is still being practised in overt and covert forms in many parts of India. In fact, without democracy, the protection of human rights is not possible. Democracy is considered to be synonymous with human rights. Democracy is not mean merely majority rule, it also entails protection of human rights (Bhumi, A., 2007: 1). Both democracy and human rights are based on the values and dignity of human beings.

Interrogating Violations of Human Rights of Dalits

Sukhdeo Thorat states that the Dalit NGOs and other organisations have been lobbying with the UNO, the Human Rights Commission and with the government of India to include the issues of descent work and prohibition of caste based discrimination. The Commission discussed the caste discrimination and other social, economic and cultural issues. The Committee on the Elimination of all Forms of Racial Discrimination (CERD) works against racial discrimination and observed the issues and tried to solve them. Another important Sub-Commission has been established for the Promotion and Protection of Human Rights (in resolution 2000/4) It declared that the discrimination based on the work in any form is prohibited by the International Human Rights Conventions.

The caste system is based on the Hindu social order. Untouchability and discrimination and very much persisting in the Hindu Social Order. The socio-economic and property rights were not provided to the depressed sections or Dalits in India. Besides, egalitarian value like the liberty, fraternity and equality do not exist in the Hindu Social Order. In this regard, the caste system has three features which need to be discussed. First, in the social sphere, there is artificial division of people based on their social group. Second, there is the unequal distribution of the property. Third, there is still social and economic ostracism. Hence, it is imperative to have a mechanism and a system of penalties to discourage unjust and discriminatory practices. The social, cultural, civic and religious rights of people of the different castes are predetermined by birth and the caste in India. The division of labour is hereditary and fixed the birth (Bhumi, A., 2007: 295).

Views of Ambedkar and Gandhi on Human Rights

It is also necessary to analyse human rights discourse from the philosophy of Dr. B. R. Ambedkar and M. K. Gandhi. Ambedkar was a great philosopher who relentlessly struggled for the upliftment of the marginalised section of society and protection of their human rights. He wanted to establish an egalitarian society based on the social justice, liberty, fraternity and equality for all human beings. In the early phase, Ambedkar emphasised on social reforms in the Indian society. He found that in India, one section (Dalits) were deprived of their rights and Brahmins enjoyed all the rights and privileges. As a result, Ambedkar tried to bring depressed castes into the mainstream and struggled for their rights for the Dalits. He has realised that without socio-economic rights and political rights, Dalits could not live with dignity and respect. Further, Ambedkar asserted that merely economic rights were not only important for the Dalits. Social reforms were equally important to create an egalitarian society (Ambedkar, B. R., 1936:20). He opposed the caste system which did not allow large sections of people to enjoy their legitimate rights. Ambedkar's movement was against the Hindu Social Order, which prevented Dalits from choosing their work and accessing economic resources. In addition, he wanted to annihilation of caste system and suggested measures for the same. These included: inter-caste marriages and inter-dinning and destruction of the Hindu religion which divided society and supported and even justified the caste system. Therefore, he emphasised on the socio-economic and political development of the Dalits. The Dalit need socio-economic rights, as without these rights, human beings cannot sustain their life.

Gandhi's notion of human rights included belief in Ram Rajya and abolishing of untouchability. Ambedkar wanted to annihilate the caste system, but Gandhi wanted to uphold the religion. Further, Ambedkar argued that without eradication of the Hindu Social Order, it was not possible to provide human rights for all and eliminate the discrimination and violence which were based on the caste system. Gandhi wanted to abolish untouchability, but did not want to abolish the caste system. He considered Rama as an ideal figure, Gandhi believed in the Varna system, which he felt was just. This brings out the dual nature of Gandhi. While he was in favour of providing human rights for untouchables, he opposed the separate electorates provided by the British Government to the depressed classes (Gehlot, N. S., 1993:384). Gandhi supported the joint electorates, which emphasised on the right to non-participation. Why Gandhi agreed for the reserved seats, it means that he opposed the socio-economic rights for the poor human beings. Mahatma Gandhi launched his non-violent struggle to achieve self-government and fundamental rights for the people of India. Lokmanya Tilak advocated the rights of the people and he declared that, "freedom is my birth right, I will have it" (Kashyap, S. C., 2010:149). It is the result of movements; the Charter Act of 1813 was enacted to protect the interests of the native inhabitants of India. Similarly, the Government of India Act, 1833 allowed the Indians to enjoy certain political rights (Grover, B.L., 2009:371-72). The proclamation of Queen Victoria on November 1, 1858 contained the principles of state policy which were similar in nature to fundamental rights (Grover, B.L., 2009:376).

Evaluation of Human Rights in India: Critical Evaluation

The concept of human rights is not a new phenomenon in India. It existed in Buddha Dharma which advocated equality, liberty and fraternity among the people. However, in course of time, all

rights and privileges came to be enjoyed only by the upper castes and other sections were deprived of their all rights.

In the Vedic period, the Indian society was divided into four Varnas. Human rights were not given for the depressed castes (Sastry, T. S. N., 2005:37). It was also mentioned the Vedic provisions provided the rights and the laws based on the philosophy of dharma and there was no discrimination based on the religion and the king was not above the law. The Vedas propagated equality of brotherhood (Sastry, T. S. N., 2005:37). The *Ramayana and Mahabharata* demonstrated the deep faith towards Justice among the people. However, the *Manusmrti* and *Puranas*, gave the rights, privileges and protections for the Brahmins and the 'Shudras' were not given rights and were neglected in all respects (Sastry, T. S. N., 2005:38). As a counter product, Buddhism advocated equality, liberty and fraternity. In ancient India, King Ashoka worked for the protection of human rights and established the welfare State in which freedom and rights were given to the people. The Buddhist doctrine also had propounded the doctrine of non-violence and humanitarianism in the 3 B.C. The Buddhist dharma emphasised on rights for the all communities. It believed in the principles of humanism, equality, liberty and fraternity. The Hindu Social Order was against the individual rights and freedom. The Hindu social order was not based on egalitarian principles. As a result, the depressed classes were denied their rights (Thorat, S., 2004:8).

In the medieval period, the Muslims ruled the country. In the pre-Mughal period, Hindus were not given rights on par with Muslims. They were not treated as equals in law and imposed taxes like *Jazia* and other taxes. The Muslims rulers were autocratic and unresponsive towards the interests of the Indians people. Instead, they tended to treat Indians as slaves. During this period, there was no human rights. The Muslims rulers even forced many Indians to convert to Islam (Thorat, S., 2004:39). However, Akbar brought about basic changes in the administration and adopted the principles of tolerance and equality and no discrimination of Hindus. He encouraged Hindus to take part in his administration. Akbar stated a new revolution to protect human rights, based on universal reconciliation and tolerance (Dhyni, S. N., 1997:259). Aurangzeb imposed many religious taxes on Hindus. The Bhakti Movement, in India started in the 15th century. Its exponents included great saints like Kabir, Guru Nanak, Ram Krishna, Swami Dayanand Saraswati and Raja Ram Mohan Roy. All of them established the supremacy of Indian Vedic values. These social reformers had no any philosophy, but they wanted to establish the natural law and emphasised on enlightenment. The Sufism in medieval India, spread the message of secularism by the values of different religions. The Saints and holy persons propagated the message of the Sufi saints that all human beings are born equal (Verma, J. S, 2000:143).

With the beginning of British rule in India, a new epoch started which created waves in the political and legal spheres, leading to imposition of British political and legal culture on India. The British government had exploited the Indian people and did not give them much freedom. The British government only denied people of their rights, it also ruined the socio-Economic and political conditions of India. Raja Ram Mohan Roy was a great rationalist and creative thinker of his age and led the transition from Feudalism to modernity. He fought against the religious rituals of Hinduism, i.e., Sati system and child marriage and strongly advocated widow remarriage (Sastry, T. S. N., 2005:37). Subsequently, Phule fought for the rights of women and untouchables. He wanted equal

rights for women and opposed polygamy. It would be appropriate to consider Phule as the founding of father of the human rights movement in India.

Historical Background of Framing Indian Constitution

The Indian National Congress demanded the basic human rights in the Constitution of India bill, 1895. Further, Congress party had demanded the fundamental freedom, civil and political rights for the masses. In this Bill, the Congress had included the freedom of expression, right to property and equality before law. In 1917, the Congress emphasised on the declaration of human rights and again demanded basic rights for the people. Subsequently, Congress demanded civil rights and equal status on par with the British people (Sastry, T. S. N., 2005:42). In 1922, the Congress fought against the British government and demanded 'Swaraj' for the Indians. It was big change in Indian politics. In 1945, the *Sapru Report* In 1946, the British Cabinet Mission came and discussed with Congress party and leaders and recognised the need for the fundamental rights in the Constitution of India. Prior to the Indian Constitution, India was being ruled by oral documents (Manusmrti and Varna Dharma). These oral documents were based on the hierarchy system.

"All human beings are born free and equal in dignity and rights" is the basic human right. Everyone is entitled to human rights or freedoms set forth in Constitution and also in the Declaration of Human Rights, without any kind of discrimination. Everyone has the right to a reasonable standard of living, for health and well-being of himself and of his family including food, clothing, housing, medical care, education and necessary social services. Everyone has the right to life, liberty and freedom. However, these rights and freedoms are subject to restrictions that are determined by law for purpose of protecting the freedoms of others.

The modern version of the human rights had taken shape during the British rule in India. During the British rule, the resistance movements against the foreign rule manifested themselves in the form of demand for fundamental freedoms or civil and political rights. The humiliation and discrimination perpetrated by the British towards the Indians encouraged people to fight for civil liberties and fundamental freedoms. The problem of the Dalits became the crux of the law and politics. After independence, a dynamic movement was launched to bring an end to the age old problem of caste and ensure equality and justice both in law and declarations. B.R Ambedkar has written the Indian Constitution with the hope that it would bring about social revolution in the country and improve the socio-economic and political conditions of Dalits. The social revolution wanted to get India out of the religion, custom of condition social inequalities and reconstruct India on modern foundations of law, humanitarian values and secular ethos (Joshi, S.C., 2011:47). Although, India is a country of social inequalities, the Indian Constitution is based on equality, liberty and fraternity. The concrete demand for fundamental rights came logically during the independence struggle which coincided with the birth of the Indian National Congress in the year 1885. The Constitution of India Bill, known as the Home Rule Bill, paved the way for the Constitutional guarantees to all citizens. The Government of India Act, 1915, in pursuance of the demands for fundamental rights, guaranteed equality of opportunity in public services. In India, Human rights had emerged from the Government of India Bill in 1918. In spite of that, the National Congress demanded civil rights and equal status for the Indians (Joshi, S.C., 2011:391-93).

The Indian National Congress finalised the draft of Commonwealth of India, adopting a Declaration of Rights on 1925. The Madras Session of the Congress, held in 1927, demanded the incorporation of a 'Declaration of Fundamental Rights' in any future constitutional framework. Further, a committee under Motilal Nehru was set up by the National Congress to study the fundamental rights (Joshi, S.C., 2011:401-2). It was interesting to note that the Constitution of the Republic of India, enacted in 1950, included to the rights enumerated in the Motilal Nehru Committee Report in 1928. The Motilal Nehru Committee had emphasised on rights for the Indians. The Simon Commission, appointed by the British Government in 1927, however, totally rejected the demands made by the Nehru Committee Report. In the year 1930, the Congress Working Committee gave the call for the attainment of 'Purna Swaraj' (Joshi, S.C., 2011:95). The INC boycotted the Simon Commission. However, Ambedkar was one Indian who had met the Commission and demanded rights for the depressed classes. The Karachi Session of the Congress in 1931 adopted a detailed programme of fundamental rights (Kashyap, S. C., 2010:149). The Government of India Act, 1935, was passed without any bill of rights and it did not give importance to the Indian leaders. It was the Wavell Committee of 1945 that subsequently stressed the need for a written code of fundamental rights and the Constituent Assembly raised a forceful demand for the inclusion of human rights in the Constitution. After the prolonged debate in the Constituent Assembly, the Constitution of India was enacted on 26th January, 1950. It is a legal and written document that emphasises on the rights for all the people, irrespective of caste creed, race and sex. The very notion of human rights is reflected in the Part III, i.e., Fundamental Rights and part IV, i.e., Directive Principles of State Policy.

The rights of Dalits have protected by the Indian Constitution through many provisions. Article 14 contains the provision of equality for all sections of the Indian society. Article 15 emphasises on the prohibition of all forms of discrimination (Sergio, B., 2009: 119). Article 15 (3) of the Indian Constitution empowers the State to make special provisions for Dalits. Article 16 provides for equality of opportunity and Article 17 abolishes untouchability. Laws, plans and development policies have aimed at the advancement of Dalits in all spheres (Sergio, B., 2009: 120). In recent years, the debate on the empowerment is a central issue for determining the status of the Dalits. Right to education of Dalits, right to life and personal liberty, right to development, right to work, right to medical care and enjoyment of Freedoms is guaranteed by the Indian Constitution..

The Constitution therefore, provides certain measures to support Dalits and the backward sections to develop. Therefore, certain safeguards are given for the protection of their cultural, linguistic and group rights. Therefore, the Constitution of India provides protective discrimination to the depressed classes. The Indian Constitution and the state can take positive action to uplift the Dalits and remove unequal treatment arising from social, economic and political conditions of the society. The reservation provided for in the Constitution provide security and protection to the Dalits (Sergio, B., 2009: 116). It was done with a view to ensure social development to Dalits. Article 14 of the Indian Constitution provides for equality before law to all citizens. According to this Act, human are equal and there should be no discrimination based on their background (Sergio, B., 2009: 48).

The Indian Constitution has also paid attention to the promotion of educational and economic interests of the weaker sections. Political reservation should be viewed as a means to emancipate the weaker sections of Indian society. It was only after the Act of 1919 that the depressed classes acquired the status of an important political entity. After Independence, it was thought that the interests of the Dalits could be secured by their representatives in the State Legislative Assemblies and Parliament (Grover, B.L., 2009:275). The reservation of seats in the Parliament and State Assemblies are given as per the population of the scheduled castes. However, it is noted that no reservation of seats are given in Rajya Sabha at the Centre and Vidhan Sabha at the State.

The aim of the Indian Constitution was to create equality among all the Indians. Provisions were made for the upliftment of the weaker sections of the society so that they may be brought to equality with other sections of the society and they do not feel that they are powerless. The Indian Constitution has provided reservation of seats, right from Gram Panchayat up to the level. To include them into the political mainstream, the framers of Constitution adopted various Constitutional measures: legal, governmental policies, programmes to bring Dalits into the mainstream. The Constitution was primarily introduced to give adequate representation to the Dalits in Legislatures and services. It is true, that these efforts have positively contributed to the social justice of Dalits. However, weaker sections of our country are still being deprived of real freedom and equality and still they are living as like second class citizens (Meshram, N. G., 2010: 181).

In many parts of India, the Dalits are prohibited from taking water from the common wells and enter temples. Besides the social discrimination, still the Dalits face poverty and deprivation. When the Constitution of India was framed, the social economic and religious freedom was given to all citizens. There was no discrimination on the basis of caste or religion and all were regarded as equal in the perspective of law (Meshram, N. G., 2010: 182). In spite of this, most of the provisions of the Constitution have remained on paper and their implementation was half-hearted. In other words, though the Dalits got freedom from the bondage of the British Raj, many of them still live like slaves. No doubt, India has a rich and glorious cultural legacy to feel proud of. But there is no doubt that this is perhaps the only country in the world where the social discrimination against the lower castes is persisting.

Conclusion

India is a rich country with poor people and a lot of socio-economic disparities. The Dalits lived outside the village and have no access to water tanks and have restricted freedom to choose their occupations. The Dalits partially succeeded in all the possible fields, darker side of the Dalits, still they face social discrimination and violence at work place (Guru, G., 2010:38). In spite of constitutional provisions, the Dalits continued to become a soft target of exploitation. It is very different for Dalits to practice any profession or to carry out any occupation, trade or businesses. There are instances of exploitation physical harassment, sexual harassment of Dalit women the responsibilities of state to state ensure safety through proper legislation and its strict implementation. There are International Conventions on Dalits like Convention on eradication of all forms of discrimination against the Dalit community. The Constitutional safeguards and

legislations to eliminate discrimination the Dalit organizations and political parties like BSP played a major role in mobilising Dalits to assert their separate political identity. In India, the electoral process is giving a chance to all citizens to participate and contest the election and choose the government. It means the rule of the people – at least on paper!. In the Indian context, most political parties are using the public, especially the dalits, as vote banks. However, the emergence of the BSP has given a new identity and voice to the Dalits.

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