



Social Exclusion, Social Justice and Violating Dalits Human Rights in India.

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Abstract: *We must bear in mind that we have reservation of seats for a period of ten years only. I wanted this reservation to continue till unsociability is completely abolished. Sardar Patel opposed this proposal vehemently within and without the Parliament. Leave aside Sardar Patel , even the representatives of the Scheduled Castes , the 30 Harijan Members of the Constituent Assembly did not have courage to support proposal'*

Key words: *social system, constitution, human rights*

Introduction:-

In Indian social system, the rights and privileges are from top to bottom – gradually diminishing. In socio-economic, political and culturally the duties has been determined by the Brahmanical scripts, laws and Dharmasastras. All the defeated people have been degraded in the vertical varna and caste system . This type of gradation and degradation was determined by the birth. The Karma , Chaturvarna and Panchama concept has been protected by the Hindu and foreign rulers and reformers in India in which low born Sudras , Ati-sudras made them as untouchables, Devadasis Dasus, child labourers, bonded slaves which has been perpetuating in Asian countries particularly in South Asia.

Social justice in India

To begin with, let us turn to the preamble of Indian constitution which stands for ' justice, social, economic and political'. The constitution framers wanted social justice in a comprehensive sense. Let us analyze the implications of economic, political and social justice in the context of India. Without social

justice where there are no human rights and where human rights are being violated in India "you must have a firm belief in the sacredness of your goal. Noble is your aim and sublime and glorious is your mission. Blessed are those who are awakened to their duty to those among whom they are born. Glory to those who devote their time , talents and their all to the annihilation of slavery – glory to those who would keep on their struggle for the liberation of the enslaved in spite of heavy odds, carping humiliations, storms and dangers till the downtrodden secure their human rights".¹

A symbol of injustice and violation of Human Rights in India:

According to Dr.B.R.Ambedkar's deeds and movement for Dalits and Women's rights and privileges. So he did and said that – " The bonfire of Manusmriti was quite intentional. It was a very cautious and drastic step, but was taken with a view to forcing the attention of Caste Hindus. At intervals such drastic remedies are a necessity. If you do not knock at the door, none opens it. It is not that all the parts of the Manusmriti are



condemnable , that is does not contain good principles and that Manu himself was not a Sociologist and was a mere fool. We made a bonfire of it because we view it as a symbol of injustice under which we have been crushed across centuries. Because of its teachings we have been ground down under despicable poverty and so we made the dash, staked all, took our lives in our hands and performed the deed." ²

"The history of the " Fundamental Rights" in this country is very interesting. In olden times under the Hindu Kings there were fundamental rights only for two , the Brahmin and the cow and the Puranas described the King ' Go Brahmana Pratipala ' that was the duty of a king : whether the other sections of his subjects received any consideration at his hands or not , or whether other animals than the "Go" had any consideration was a matter of no moment at all. So long as the Brahmin and the cow were protected the king was destined to go to heaven." ³

"When the Muslims came , they took away these fundamental rights which the Hindu Kings had granted to the Brahmin and the cow. The cow unfortunately not only lost its right to live but became the victim of everybody. So was the cause of the Brahmin." ⁴

In Asian countries – the traditional system of feudalism and casteism – in Chatur Varna System – of vertical classification of Indian Society. Graded-Degraded castes have rights to practice – untouchability and obey their order that is their " birthrights".

"The prevalent view is that once rights are enacted in a law then they are safeguarded. This again is an unwarranted assumption. As experience

proves rights are protected not by law but by the social and moral conscience of society. If conscience is such that it is to enact , rights will be safe and secure. But if the fundamental rights are opposed by the community, no law, no parliament, no judiciary can guarantee them in the real sense of the word. What is the use of fundamental rights to the Negroes in America and to the Jews in Germany and to the Untouchables in India" ⁵

In this regard , B.G.Tilak , Mahatma Gandhi and Congress opposed the right to vote, reservations and representations in Indian Constitution openly. Sardar Patel openly opposed. Fundamental rights and reservations to Backward Classes and Untouchables (Shudras , Ati-Shudras) in pre-independent and post-independent India.

"We must bear in mind that we have reservation of seats for a period of ten years only. I wanted this reservation to continue till unsociability is completely abolished. Sardar Patel opposed this proposal vehemently within and without the Parliament. Leave aside Sardar Patel , even the representatives of the Scheduled Castes , the 30 Harijan Members of the Constituent Assembly did not have courage to support proposal." ⁶

The term social justice may be defined as the right of the weak , aged destitute poor , women , children and other underprivileged persons to the protection of the state against the ruthless competition of life , social justice offers privileges to those unfortunate sections of the society that they can enjoy equal opportunities along with the other privileged sections of society in the race of life. It is a balancing wheel between the "haves" and "have not's" the concept



of social justice has emerged from the heritage of social injustice and it seeks to remove social disability got by birth resulting in social and economic inequality. It generates social equality opportunity and facilitates development for all. It promotes public welfare, provides for a just society and removes disunity and disharmony among the people. In this way social justice is a great force in providing a stable society and securing the unity of India. The scope of social justice is very wide and it includes all kinds of justice. It is a vivid depiction of the whole life of human society. It is compared to looking glass in which we can find the picture of society. It is subject matter which is related to practice than theory – social justice studies especially the conditions of the blind, handicapped, disabled, the abandoned lepers and all those who need social justice. It is estimated that every tenth individual is a disabled person one way or the other. So its imperative to identify, study, survey and to solve the problems of those unfortunate people, social justice is not possible without knowing or helping them whatever race, religion or community they belong to study their problems must be given top priority in the scope of social justice illiterate, helpless, homeless, broken poor, unemployed beggars and wandering tribes also include the scope of social justice their precarious and deplorable predicament is deplorable. They live a life of a lowly and negligent one and suffer from scarcities.

The scope of the study of social justice also includes those who are socially weak, depressed and backward.

The subject matter of social justice includes in its scope the study of laws, traditions, dogmas, customs,

manners and usages. These aspects have become the sources of injustice and are mostly determined to the spirit of social justice. These things need reform to facilitate the possibilities of social justice.”⁷

Violation of Dalits Human Rights in India.

Human Rights and Indian Constitution, the universal declaration of human rights in 1948 by UNO had a great impact on the constitution of the newly independent India article 21 right to live. Article 32 Public Interest Litigation (PIL) human rights for legal wrong and injury

Dalit Rights are part and parcel of Human Rights:-.

“Human Rights means the right relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the international Covenants and enforceable by courts in India.” We do not realize that the discourses of human rights are of recent origin and are byproducts of the development of the bourgeois systems of governance. These discourses are placed against a heavy mix of individualism and individual rights, which are alien to the cultural paradigms of Dalitology. Indeed the United Nations, in all of its championing the cause of the rights of humanity does not recognize community rights. It recognizes only individual rights.

Babasaheb Ambedkar blended both these dimensions in a way that only he can do. He fought for human rights of the Dalit people with a communitarian approach. We cannot miss the heavy mix of individualistic, enlightenment philosophical traditions in his writings. However, he was not one who could



compromise on the communitarian dimension of rights discourses. It is because Babasaheb that all the Dalit communities have gained the benefits of affirmative action in the Indian Constitution and governance systems. Dalit communities all over India need to beware of human rights attempt at the UN level by different champions who may be well meaning but may lead to an unconscious internalization of the dominant values of the West. While the emergence of human rights discourses is placed against the background of the modern nation-state the U.N. also hands over the responsibility of safeguarding and protecting rights of the state. This has serious implications for Dalit communities if the state happens to be a Brahminic one as it has always been in the post-colonial era. Every document of the UN has been prepared to make the citizen a subject of the state. The document on child's right, for e.g. , clearly spells out the rights of the child with an underlying design to make the 'take-over' of the child by the state possible without the parents ever suspecting that. Just imagine that the Brahminic state takes care of the future of the Dalit children in India. Therefore , while all genuine attempts have to be made to ensure the establishment and continuity of Dalit human rights the approach of the Dalit leaders should be liberative , educational , agitational and organizational. They should be able to carry the strenghts of Dalit people into the international fora and their discourse should be developed in the political-cultural context of the objugated people.⁸

The twin brothers of national security and global security join hands with an apparent anti-thesis i.e.

individual liberty. Herein comes the problem of communicative competence.

Individual security in the context of the subjugated people will mean right of access to individuals into the process of allocation of resources. In the subjugated sphere it will be inappropriate to speak of individual security as the ultimate. There is something beyond the individual called the community, which in praxis takes precedence over the individual. Both in terms of self-identity as well as in terms of dumping together the people who are denied their rights are a collectivity and the denial of right to access to the process of allocations is to communities of people and not generally to individuals. The discourse of human rights violations therefore , takes us to the arena of individual and community security of the 'objugated' ⁸ people. In India these people will be predominantly the Dalits , Women and Tribals without an inherent elimination of other poor from the human rights discourse.

The state and ruling class/ caste A violators of Dalit human rights.

The discourse on national security once again pose a serious problem in the human rights perspective as the very concept of nation has a multiple interpretation and not all the multiplicity are integrated in the discourse on national security.

For those who hold the reins of the Nation-State, safeguarding the interest of the ruling class through the institutions of the state is paramount. The ruling class in all countries carves out a space for itself to appropriate the processes of allocation of resources to itself so that material resources and normative standards are largely maintained in its hands. The state is



often a political violator of human rights. Discourses of global security are used to cow down nations of the World to follow a dominant line of thinking and subjugate themselves to the dominant forces in the globe. Under the garb of global security the rights of nations are violated and in turn under the garb of national security the rights of the people are violated while both take shelter under the discourse of individual liberty.

The evolution of the Nation State is clouded with manifold discord and dissension. The ruling caste / class would like its citizens to believe in the concept of an end state, a sort of finished product.

The caste / class oligarchy generally tends to look at such legitimate struggles of the people as an attempt to bring in an undesired fluidity, which, according to their projection, will weaken the socio-political and economic borders of the State.

The Repressive State are the protagonists of an end-state appropriate to themselves the right to eliminate those who produce countervailing discourses about individual and community security vis-à-vis individual liberty. The State proves itself to be the tormentor, the aggressor and the violator of human rights in this sense.

In the Indian context it will be gawky and extreme naiveté to assume that the nation-state has arrived when in reality no social equality is achieved for all communities of people. This was the arena of conflict between the so-called nationalists who by and large represented the dominant caste forces of India and the likes of Babasaheb Ambedkar , Jyotiba Phule and E.V.R.Periyar. For the dominant section the epitome of

nationalism was 'swaraj' – self-rule that in turn became an object of ridicule for the representatives of the Dalits. The ridicule was only a cover for what was simultaneously prophetic. The 'swaraj' of the dominant order would violate the security of the communities of Dalits and other backward caste people.

“Dog , leashed dog ,

He howls and barks from time to time.

This is his constitutional right.

He lives on stale crumbs.

His mind is calloused with endured injustice.

If at a rebellious moment it becomes unbearable and he jerks at his leash , tries to break

His chain , then he is shot...⁹

The concept of Swaraj had a heavy underpinning of the Hindutva ideology according to the Dravidian and Dalite leaders. Rig Veda , according to Babasaheb Ambedkar is a text of the worship of violence. Unlike the Scriptures of many other religions the Hindu Scriptures glorify violence and trickery and unethical ways of achieving one's objective. The gods themselves incarnate to wage war and kill people of the earth. They intervene in human history on behalf of good kings who have a particular caste background against those kings who are described as demonic because ' they are the local kings with their caste identity. The incarnation itself is wrought on behalf of the powerful. Such a background to the nationalist discourses of the pre-independence , post-independence and now the Hindutva forces would not allow a rightful space for the indigenous and Dalit people in the



process of allocation of resources. The prophetism of Babasaheb and Periyar was as much a prediction of the impending disaster that awaited the Dalits in the garb of 'swaraj'. While the 'swaraj' is a symbol of the static, the chariot of struggle is a symbol of dynamic and organic evolution of the state. Outlining the unfinished agenda of two things in Indian society. One of these is equality. On the social plane, we have in India a society of graded inequality that means elevation of some and degradation of others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th January, 1950 we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality.... We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up." 10

In India, as in many other South Asian countries, the violations of right to life and dignity assume barbaric dimensions in the caste system. The state in India is not only an active conniver with economic forces of exploitation but has an identity with that part of the civil society which assiduously seeks to maintain the hegemony it has established over the indigenous people and women. Untouchability is the demon that acts as the agent of caste system. While the violations of human rights in many other countries assume an individual dimension, in India, which is governed by a ruling caste it is a whole people who are denied their rights. Though legal rights are enshrined in the Constitution of

India, civil rights are constantly being violated through the collaboration of the state machinery.

Untouchability operating forces courts and political parties

Add to this also the caste bias of some judges as evident from the 'Ganga cleansing'. This is not a case in isolation to be dismissed as an aberration. Speaking of the supreme court of India, R K Garg writes: "The citizen is often shocked; why did the Supreme Court lean in favor of vested interest? The reason is simple. Laws are enacted to recognize or to create old and new right .these rights become vested rights defended by vested interest. The courts are there to enforce these rights. By habit, training, and equipment, judges get framework given to them for administering justice".11

"In Mumbai and the rest of Maharashtra is in any case under the thumb of the shiv sena boss. A no-nonsense applied philosophy has assumed center stage. Much in the style of the Austrian ex-corporal in the closing days of the tottering Hindenburg regime, the shiv sena chief is spreading the legend that law is what he says it ought to be and order is to let loose his bandicoots on whosoever he does not approve of it is pointless for the amnesty international to tell us any further about the nitty-gritty of human rights. A government exists at the centre, state governments at one level down the echelon, it does not matter though, India has already attained a state of total lawlessness" .12 The case of the shiv sena chief is taken here as an exemplification of the dominant caste rot that has set into all veins of life in India. Some regrind political parties like T.D.P.in AP



The Extent of Untouchability:

"The decade of development during indira Gandhi's regime registered more than 40,000 cases of atrocity against the dalits. According to a recent report in the Deccan herald of 29 July 1998, Mrs.maneka Gandhi gave the following details to the parliament." despite the constitutional mandate, untouchability is prevalent in 12 states- Andhra Pradesh, Bihar ,Karnataka, Gujarat, Kerala, Madhya Pradesh, Maharashtra , Orissa , Rajasthan, Tamilnadu, Uttar Pradesh and Pondicherry". The report further states that it is prevalent in a mild form in six states and union territories, Jammu and Kashmir , Punjab ,Haryana , Himachal Pradesh ,Goa, and Delhi. The rest of the where, according to the government untouchability is not practiced are the north eastern states and west Bengal. Therefore, we may conclude that the government has accepted the prevalence of untouchability in the whole of India."

Untouchability - Causal Factors Today

It is not only the number of atrocities but also the type and the reasons that count. Let us identify major causes for the increasing atrocity on Dalits. Whenever the Dalit people assert their cultural and economic rights they claim natural resources especially to land and refuse to accept the hegemony of dominant castes. The Karamchedu, The Tsundur, Laxmipeta, Srikakulam on 13th June 2014 in Andhra Pradesh. Whenever the Dalit peoples assert their political rights by courageously taking recourse to the provisions in the constitutions and independently participate in the legal system of the country.

The killing of Sri Krishnaiah in Bihar by the Rajputs needs a special attention. He was a District Magistrate, A Dalit from Andhra Pradesh, of the Indian Administrative Service was murdered in broad day light by Rajputs (Reported to be Anand Mohan and his wife Lovely Anand). The Rajput community of the Patna later celebrated the courage of the murderers and Anand Mohan became a member of the Parliament.

Untouchability - Increase in Evidences:

1. 61 People were killed while sleeping, most of them Dalits, in Laxmanpur Bathe of Bihar on 01 December 1997 by the Ranvir Sena. Those killed included 27 women – 8 of them pregnant – and 17 children."13
2. Anita (30) of Randevi Village, under the Nakud Police Station was stripped, her face blackened in front of the panchayat and her bottom crossed with shoes for naming two of her Jat neighbors in a case of theft at her house. "14
3. A Lucknow police sub-inspector forcibly took a Dalit woman to a private guest house to entertain his guests and the group later repeatedly raped the woman, even as a constable stood watch. "15
4. Chandavva who was sleeping with her 14-days old baby was attacked and thrown out. An irate mob set fire to the hurts with kerosene. The life long earnings, food grains went up in flames in front of their eyes. They were on the streets with clothes they were wearing.
5. This was the common scene in Dalit localities of Halepet, Buddhanagar



- and Diggi Agasi of Shahadpur Town, which witnessed unprecedented and extensive anti Dalit riots on August 19, 1997. The sub-castes of Dalits, Holeyas and Madhigas were targeted by the furious non-Dalit mon. "16
6. In 1977 in the state of Uttar Pradesh alone 92,000 Dalits were deprived of their allotted land and there is no record of how many of them were killed. "17

Conclusion:

In India in the world many countries are members of the united nations (UNO)'s Human rights charter and their constitutions gave protections and guarantees to the Child, Women and weaker sections particularly Dalits Human rights has been violating in daily activity of the Indian Society. Why because they are excluded from the varna system.

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