

# Caste System and Human Rights Violation in India

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## Abstract:

*India is a land of diversities but ideas like unity in diversity also prevails in Indian soil. Because of these differences there is both conflicts and cooperation. Problems occur and challenges are threatening because of which people faces lots of difficulties in their life. Castism is one of the major problems which the people of India are facing since the time immemorial. The caste system in India is probably existed in India and has been developed more than what was there in the ancient period.*

*The cast system in India is probably one of the most ill – understood entities known. It is also the source for different emotions, actions, reactions and behavior among different people. The caste system is an inseparable aspect of the Indian society. It is unique to India and peculiar to Indian in origin and development. Caste is closely connected with the Hindu philosophy and religion, custom and tradition, marriage and family, morals and manners, food and dress habits, occupation and hobbies. The caste system is believed t o have a divine origin and sanction. It is endlessly supported by rituals and ceremonies. It is deeply rooted and long lasting social institution of India. Thus, India is a classical land of caste.*

*Caste is a system of specialization on the basis of efficiency. According to Sir Herbert Risely, “Caste is a collection of families, bearing a common name, claiming a common descent, from a mythical ancestor, human and divine, professing to follow the same heredity calling and regarded by those who are competent to give an opinion as forming a single homogenous community”. Caste system is considered as one of the evils of society. It is politicizing the system of the country and depriving the common people of their rights. In spite of regular check it is still in the process of human rights violation in various ways.*

*Caste today in India became hereditary and commercialized. Caste feeling has becoming strong and caste politics is spreading throughout the country. Political lines in India have often been drawn along caste lines; however, this is only part of the story.*

*Caste System in India needs to be checked. It is spreading the disease of caste politics in the country. We must work together to end this kind of evils in the society. Otherwise a day will come when the right to equality has to be again revive by the framers of the Constitution.*

## Introduction:

India is a land of diversities but ideas like unity in diversity also prevails in Indian soil. Because of these differences there is both conflicts and cooperation. Problems occur and challenges are threatening because of which people faces lots of difficulties in their life. Castism is one of the major problems which the people of India are facing since the time immemorial. The caste system in India is probably existed in India and has been developed more than what was there in the ancient period.

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## Objective of the study:

1. This paper seeks to through light on the matter of Caste system existed in India.
2. The objective of this paper provides some data regarding the violation of human rights on lower caste people.
3. This paper throws light on the politicization of caste in India.
4. It tries to give some measures on the protection of the rights of human beings.

## Methodology:

The required information was obtained from books, journals, magazines, pamphlets and other archival records both official and non-official. The method of historical analysis is employed to seek the answers to the question raised.

## Human Rights violation on lower caste:

Caste is known as jati in common parlance. The term caste is derived from the Spanish and also Portuguese word 'casta' which literally means 'breed' or 'lineage'. When the Portuguese arrived in India in 1498, they found what was to them, a perplexing system of stratification and discrimination prevailing among the people of India. Unable to explain this system to their rulers in Portugal, the Portuguese sea-farers to India called it 'casta'. The caste also signifies race or kind. The Sanskrit word for caste is Varna which means colour. Races and colour seem to be the bases of Indian caste. According to Hindu tradition (in particular the Brahminical hierarchy), society is organized into four principal castes, Brahmin, the priests; Kshatriya, warriors and nobility; Vaisya, farmers, traders and artisans; and Shudra, tenant farmers and servants. (also divided into many sub-categories), which assign individuals a certain hierarchical status. According to Rig Veda, the ancient Hindu book, the primal man- Purush- destroyed himself to create a human society. The different Varnas were created from different parts of his body. The Brahmanas were created from his head; the Kshatriyas from his hands; the Vaishias from his thighs and the Sudras from his feet. The division of society in four Varnas was based on the division of labour. The status of an individual is determined by his birth and not by selection nor by accomplishments. Each caste has its own way of life, customs and tradition hence it is unchangeable, unacquirable. The caste system put certain restrictions on the range of social relations also.

The Harijans are seen as the lowest rank of society, whose presence, touch and even mere reference is considered 'polluting' to the 'upper' castes. As such, they face intense discrimination and abuse. This system was later assimilated into other countries and cultures, with its own nuances, including Bangladesh, Cambodia, Pakistan, Nepal, Sri Lanka, and Thailand. Even in countries with non-Hindu majorities, there is a trend of discrimination and ill treatment against Dalits. They face widespread discrimination, which imposes enormous obstacles to the full attainment of civil, political, economic, social, and cultural rights. They are segregated in housing, schools, and access to public services.

They are denied access to land, forced to work in degrading conditions, and routinely abused by the police and upper-caste community members who enjoy the state's protection. The higher caste people like the Brahmins enjoy certain privileges because they are born to be pure and superior. This entrenched discrimination that the government fails to address violates Dalit rights to education, health, housing, property, freedom of religion, free choice of employment, and equal treatment before the law.

According to a report by Human Rights Watch, Dalits and indigenous peoples (known as Scheduled Tribes or adivasis) continue to face discrimination, exclusion, and acts of communal violence. Laws and policies adopted by the Indian government provide a strong basis for protection, but are not being faithfully incorporated.

According to government statistics, nearly 167 million Indians, or 16 percent of the population, belonged to so-called Scheduled Castes, who call themselves Dalits. Their occupations include leather workers, cobblers, agricultural workers, street sweepers, and manual scavengers. Even within these different groups of Dalits there occurs discrimination. The Valmikis for instance, whose traditional occupation involves disposing of dead animals and cleaning human excreta, are considered the lowest Dalit group and are treated as such by other Dalits. The jobs undertaken by Dalits rarely provide them with enough income to feed their families or to send their children to school. As a result, many Dalits are impoverished, uneducated and illiterate. The caste system prevents them from changing their occupation however, to get better jobs. Furthermore, the perceptions of pollution and impurity force Dalit communities to live on the outskirts of towns and villages, where living conditions are poor and where there is no electricity or running water.

Approximately 110,000 cases of violent acts committed against Dalits were reported in 2005. Independent India has witnessed a considerable amount of violence and hate crimes motivated by caste. Various incidents of violence against Dalits, almost always by other backward castes such as Kunbis Kherlanji Massacre and Jats Mirchpur killings in 2010, have been reported from many parts of India. Many violent protests by Dalits, such as the 2006 Dalit protests in Maharashtra, have also been reported.

An exception to the norm is the Ranvir Sena, a caste-supremacist fringe paramilitary group based in Bihar, which committed violent acts against Dalits.

Phoolan Devi, who belonged to the *Mallah* lower caste, was mistreated and raped by upper-caste Thakurs at a young age. She became a bandit and carried out violent robberies against upper-caste people. In 1981, her gang massacred twenty-two Thakurs, most of who

were not involved in her kidnapping or rape. Later, after an amnesty scheme, she became a politician and Member of Parliament.

To protest against being left out of government development funds and at the police refusing to take action against threats received by them, the Dalit community at Nesda village, Rajkot, Gujarat decided to cease performing their caste duty of picking up and disposing of dead animals in May 2008. When this came to the attention of the dominant-caste community, they announced a social boycott against the Dalits on August 5. They forbade any Dalits from engaging in any social or economic interaction with non-Dalits. Anyone found to violate the boycott would face the same boycott.

As a result, the Dalits faced significant hardships. As they could no longer be employed in their own village, they had to travel 4-15 kilometers to work. Though one Dalit, Kasubhai Amrabhai Solanki, had a small amount of land, his wheat crop was burned and destroyed. Women were required to walk four kilometers to purchase basic necessities such as wheat. Dalits also suffer routine violations of their right to life and security of person through state-sponsored or sanctioned acts of violence, including torture, the rights group pointed out. Caste-motivated killings, rapes, and other abuses are a daily occurrence in India. The system of inter-caste marriage is also not applicable in some state of India. Still the process is prevailing in the state like Punjab where the girl belonging to the lower caste is not allowed to marry a boy of higher caste. Even if it happens than they have to repay with their death. The patriarchal society still believes in the caste system of the olden days.

The UN stated in 2011 that the caste system of India will be declared a human rights abuse. The UN's Human Rights Council, meeting in Geneva, is expected to ratify draft principles which recognises the scale of persecution suffered by 65 million 'untouchables' or 'Dalits' who carry out the most menial and degrading work.

Amnesty International says that it is the responsibility of the Indian government to fully enact and apply its legal provisions against discrimination on the basis of caste and descent. Rammohan Roy, founder of the Brahmo Samaj movement, advocated equality for all persons regardless of caste or sex, on the basis that all humans are God's creatures. Vivekananda, leader of the Ramakrishna movement, supported equality on the basis of vedanta thought and thus did not, like Roy, reject Manu. "Rabindranath Tagore is another influential name in the human-rights movement."<sup>7</sup>

Most of those who led the independence movement in India sought some accommodation between Western notions of individual rights and the Hindu tradition of duty

and caste. The Indian Constitution, largely drafted by B. R. Ambedkar, who was an untouchable, abolished untouchability and affirmed individual civil and political rights. Legislation was even passed to reserve places in government and schools for untouchables. The caste system itself, however, was left intact.

About 60 million in population, continue to face social stigma and economic hardships, despite the fact Criminal Tribes Act 1871, was repealed by the government in 1952 and replaced by Habitual Offenders Act (HOA) (1952), as effectively it only created a new list out of the old list of so-called "criminal tribes. These tribes even today face the consequences of the 'Prevention of Anti-Social Activity Act' (PASA), which only adds to their everyday struggle for existence as most of them live below poverty line. National Human Rights Commission and UN's anti-discrimination body Committee on the Elimination of Racial Discrimination (CERD) have asked the government to repeal this law as well, as these former "criminalized" tribes continue to suffer oppression and social ostracization at large and many have been denied SC, ST or OBC status, denying them access to reservations which would elevated their economic and social status. In addition to these ancient reinterpretations of Hindu tradition, Western notions of individual rights have entered Indian society, initially through British law and education. There have been many efforts to combine modern notions of rights with Hindu notions of rights and duties.

#### Caste politics in India:

Caste today in India became hereditary and commercialized. Caste feeling has becoming strong and caste politics is spreading throughout the country. Political lines in India have often been drawn along caste lines; however, this is only part of the story. Caste is often specific to a particular area. These caste pockets create a locally dominant caste. Because of the political structure in India, local dominance can translate into regional dominance. This concentration of caste population has meant that smaller, less influential castes have the opportunity stake their claims in the political power arena. However, if a non-dominant cast is not concentrated in a particular area, then they are not likely to get any representation without teaming up with another caste to increase their influence. This means, "localized concentration facilitates a space for contesting the domination of State-level dominant caste". For instance, the Maratha-Kunbi caste has concentrations of populations all over the Indian states. They thus managed to receive maximum representation at the state legislature. The democratic form of government which provides equal opportunity by reserving seats for SC,

ST in the legislature as well as for the Indian Community in Lok Sabha under Article 330 and the State legislative Agencies under Article 332 acknowledge the importance of caste system in Indian political system. Article 335 permits the State to make reservation for the schedule caste, schedule tribe and other backward classes in public services.

In India we find class war between ethnic tribe, caste group, between rich and poor. Caste system has been politicized in ethnic wise, in identity wise. Caste politics play a vital role in all the states of India. The fight among Reddy, Kammas and Valana communities constitute the three angles of Andhra Pradesh politics. Caste plays more conspicuous role in Bihar, the four main caste- Brahmin, Kayastha, Rajputs and Adivasis are involved in struggle for power. Likewise in Kerela, Ezhavas and Nayars, in Maharastra and Tamil Nadu between Brahmin and non-Brahmin, caste politics play a major role. The high caste people, the rich, small caste group of people violating the rights of these people. Caste loyalties and other ethnic factor and not ideological difference really divide the Indian political parties. Election Campaign are run along caste lines and poll violence is usually caste based violence. Politics has become caste ridden and caste has got politicized. The political parties use caste divisions for nurturing their support base in the society. According to Morris Jones, "The central discovery is that politics is more important to caste and caste is more important to politics than before. On the context of the above discussed para we can take the example of the population estimation and reservation percentage of various communities. NFHS Survey estimated only Hindu OBC population. Total OBC population derived by assuming Muslim OBC population in same proportion as Hindu OBC population)

Population Estimation & Reservation percentage of Various Communities

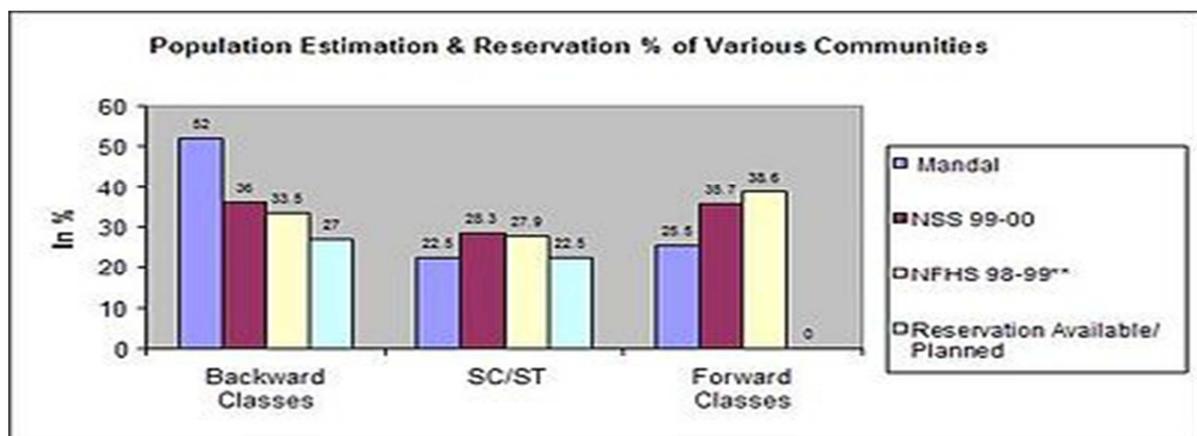


Figure: 1

The Government of India has officially documented castes and sub-castes, primarily to determine those deserving reservation (positive discrimination in education and jobs) through the census. The Indian reservation system, though limited in scope, relies entirely on quotas. The Government lists consist of Scheduled Castes, Scheduled Tribes and Other Backward Classes:

#### Scheduled castes (SC)

Scheduled castes generally consist of "Dalit". The present population is 16% of the total population of India (around 160 million). For example, the Delhi state has 49 castes listed as SC.

#### Scheduled tribes (ST)

Scheduled tribes generally consist of tribal groups. The present population is 7% of the total population of India i.e. around 70 million.

#### Other Backward Classes (OBC)

The Mandal Commission covered more than 3000 castes under OBC Category, regardless of their affluence or economic status and stated that OBCs form around 52% of the Indian population. However, the National Sample Survey puts the figure at 32%. There is substantial debate over the exact number of OBCs in India; it is generally estimated to be sizable, but many believe that it is lower than the figures quoted by either the Mandal Commission or the National Sample Survey.

On 29 March 2007, the Supreme Court of India, as an interim measure, stayed the law providing for 27% reservation for Other Backward Classes in educational institutions. This was done in response to a public interest litigation — Ashoka Kumar Thakur vs. Union of India. The Court held that the 1931 census could not be a determinative factor for identifying the OBCs for the purpose of providing reservation. The court also observed, "Reservation cannot be permanent and appear to perpetuate backwardness". However, the Supreme Court later upheld the reservation.

## Conclusion:

Caste System in India needs to be checked. It is a great tragedy that we have missed not only the Industrial Revolution but also the age of reason. It crippled us technologically; secondly it cripples our capacity to apply what we believe and what we worship. So, we have entered in this century with injustice, inequality untouchability which is the evils of the society. In the era of science and technology we are still superstitious. We must think other people as they are also the member of our common family. So, we are all equal and children of the same God and should not humiliate each other.

We hope that our work and compulsions for changing our planet will ensure us the country that is free from these cruelties. Therefore, there is a need to take further steps as a movement for Human Rights and Dalit Rights by recognizing that indeed bad economic planning can scuttle life itself by understanding that Human Rights mean intact to be human to fulfill our potential, to realize that no religion can be worthwhile when it makes some more equal than others in the eyes of God, and that none of us are children of a lesser God. We must work for enlightening the knowledge of the people towards caste system through education and try to remove the caste barriers existing in the society. In order to end the disease of caste politics in the country we must generate a feeling of consciousness in the minds of the people. If people will be able to give respect to the other groups of caste then only there is possibility of absence of caste politics. The most important action to take in order to change society is to provide the means for continued spiritual development. That is why it is important that spiritual organizations, spiritual teachers and acharyas work to provide the means for the upliftment of people's consciousness through spiritual education and practice, so that people can seriously change their view of their fellow human beings. The organizations have shown and teach disregard for the caste system and its materialistic designations. Spiritual organizations such as Iskcon, Swadyaya and others, have taken the path of showing the equality amongst all people without caste distinctions. They treat everyone equally while allowing individuals to pursue their own particular occupational tendencies without the stigma of being categorized into any certain social group. This is one way in which society can again be unified, especially in regard to Hindu society and India in general. In spite of the several measures there is still a need to fight for removing the growing numbers of evils in the society. To end these we must study Sanskrit as it is the only way to remove the misunderstanding between the high and low caste which is rising according to the changes of time.

## Work Citation:

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