



## Caste and Human Rights Violation

**Dr. Ayan Hazra**

Assistant Professor, Hidayatullah National Law University, Raipur, Chhattisgarh  
Email - ayanhaz@gmail.com

**Abstract:** Throughout India, caste serves an important part in social order, and caste discrimination is a long-standing human rights issue, including widespread abuses of civic, legal, financial, societal, and culture liberties. The UN human rights authorities have voiced grave worry over the civil liberties' status of Dalits as well as other people who face prejudice due to race, ethnicity, or ancestry.

**Key Words:** Caste, fundamental rights, Untouchability, human rights violation.

### 1. INTRODUCTION:

The caste hierarchy, which was intended to organise and enhance society's operation, has already begun to dismantle it. The caste system originated in Hinduism. Brahmins, Kshatriyas, Vaishyas, and Shudras were the four sects of society. Its major purpose was to give constant income as well as a social status. The authority was concentrated in the hands of Brahmins, Kshatriyas, and Vaishyas, but with time, those in power grew tainted and came to treat those under them harshly and unjustly.

Fundamental Rights, which are provided to all Indians, forbid and criminalise any kind of untouchability. The Constitution also states that no one shall face discrimination because of their caste, ethnicity, language, or religion. Everyone is equal in the eyes of the law. Through these provisions, the Constitution strives to realise the dreams of the freedom fighters who led the battle for our country's independence. Unfortunately, even after 65 years of independence, we continue to face various forms of discrimination in certain parts of the country. In India, caste discrimination is still prevalent. It is our responsibility, as the future of our nation, to put a stop to this discriminatory practice and to take steps to welcome diversity in order to go forward peacefully. There were four primary castes in Indian civilisation. This four-tiered categorisation of society was solely based on occupations. The first three castes were regarded to be the high-born castes because of the duties they played. Members of the fourth caste were poor and served the other three groups. They were given menial tasks. A person born into a certain caste was not allowed to change employment. With the passage of time, this social division based on the caste system became increasingly rigid. Dalits, or the lowest castes, were deemed untouchables and were compelled to live separately. They were given menial tasks and were regularly insulted by the upper classes. These people were viewed as outcasts. They were barred from furthering their studies and finding work.

### 2. The Concept of 'Untouchability'

The concept of being untouchable is not mentioned anywhere. Because of modernity and worldwide exposure, the government recognised the need of addressing and fixing this issue. The Indian government has implemented a number of laws and made specific measures to help Dalits thrive and achieve on par with other individuals. Today, the Indian government reserves quotas for them, and any caste slurs or discrimination is severely penalised. Everyone in modern India is free to do anything they desire, regardless of caste, creed, race, or religion. Untouchability is entirely prohibited in India. To increase the participation of the lower classes in decision-making, the government has begun reserving seats in elections for them. A self-governing board has been established to oversee the requirements and consequences of its policies. Despite hundreds of laws forbidding discrimination against inferior castes, notably Dalits, it persists in certain isolated areas. It is a belief held by the upper class that those who perform all other tasks outside of the caste structure are genuinely expired souls who committed immense evil in their previous incarnation and must suffer in this birth as vengeance. These people were forced to work polluting jobs like scooping up excreta, urine, and other waste. They were not allowed to do anything to further their careers, and whatever step they made required approval from a higher level. Dalits are still not permitted to marry beyond their caste in states such as Gujarat, Bihar,



and MP, and the repercussions can be deadly if they do. In certain places of India, Dalits are still not allowed to possess a television, a refrigerator, or even ride a bicycle. It is still unlawful to rent a house to a Dalit in rural areas of Gujarat.

### **3. Dalit Human Right Violations**

As recently expressed, Dalits are exposed to a wide scope of common liberties infringement because of the standing framework. "Common liberties incorporate the right to life and freedom, independence from servitude and torment, opportunity of thought and discourse, the option to work and instruction, and some more," as indicated by the United Nations. "These freedoms are ensured to everybody, regardless" ("Human Rights"). The offenses Dalits experience affect their physical, mental, social, and monetary prosperity. Youngsters experiencing childhood in a Dalit society are denied instruction from a psychological outlook. Specialists. revealed in the diary South Asian Studies that Dalits are frequently denied admittance to instructive offices or made to sit in isolated study halls dependent on their station.

Clearly, denying Dalits admittance to instructive establishments makes them need major abilities that might assist them with acquiring a superior work. Therefore, Dalits are obliged to acknowledge a task that risks their wellbeing and prosperity. Likewise, when Dalit kids are obliged to sit in various homerooms, they get less consideration, bringing about less fortunate learning and an ascent in the quantity of understudies forgetting about. Regardless, denying general population admittance to schooling guarantees a ceaseless pattern of low-wage occupations for people in the future.

Functioning as a manual forager, griever, road sweeper, agrarian labourer, and other low- paying positions are completely assigned for Dalits ("Caste an Eye," 7). Manual rummaging, which involves physically gathering human fertilizer from public offices, is quite possibly the most unsavoury profession. Dalits are paid melancholy wages that are not really enough to take care of a solitary individual, not to mention a family, for their work. As indicated by studies distributed in Dalits of India, 25% of Dalits procure lesser compensation for playing out a similar work than non-Dalits. Moreover, callings, for example, manual searching and road sweepers create medical issues because of cleaning illness ridden stool the hard way or breathing in dust consistently. Dalits are likewise expected to live four years not exactly upper stations, with about portion of Dalit adolescents experiencing ailing health. At the point when Dalits become sick, wellbeing experts won't treat them for reasons that are plainly identified with standing delineation. The first is that Dalits ought not to be contacted inspired by a paranoid fear of becoming "contaminated" matter themselves.

The subsequent reason originates from Dalits' inability to bear for treatment as a result of their intense destitution welcomed on by low-paying occupations. I feel the bias Dalits bear woeful as an individual worried about basic liberties and hardship of respect. Regardless calling an individual seeks after, they ought to be remunerated decently for their time and ensured against preventable medical issues brought about by their occupation.

Dalits not just have difficulties in getting food and safe drinking water, yet they are likewise constrained to live in ghettos. Around 7,400,000 Dalits are relied upon to live in the stuffed ghettos. Ghettos are blocked, brief dwelling regions. Most ghettos are situated close to foul water sources that are utilized for washing, washing clothing, drinking water, and eliminating human waste. Helpless sterilization is a consequence of the close to nearness and substantial contamination, which is liable for a huge number of unexpected issues. Everybody, paying little mind to rank, religion, or sexual orientation, ought to reserve the option to live in a sound climate that empowers social and financial turn of events.

To sustain the separation of freedoms and assets, Dalits are exposed to different kinds of viciousness in response to signs of social and monetary versatility. Battering's, attacks, and property harm are the most regular sorts of brutality. Dalit ladies are more defenceless against savagery since they are physically attacked. As indicated by insights, rape offenses against Dalits are more normal in country regions, where landowners go after ladies who are dependent on the land. Dalits, then again, don't go against property managers since they depend on the land for endurance and can't relocate because of destitution. Rape against ladies happens in metropolitan settings for basically every reason under the sun, remembering retribution for the male partner. Dalits face actual types of social minimization notwithstanding savagery.

### **4. Main roots of discrimination**

#### **4.1 Lack of proper education**

The 86th Amendment Act assigned Article 21A of the Indian Constitution as a Fundamental Right, which commands free and necessary training for all kids matured six to fourteen years. The best way to further develop society is through instruction. Bookings for in reverse class individuals are permitted under the Indian Constitution, but they are inconsequential assuming that the recipient doesn't get the advantage. A specific gathering benefits from the hold since he comes from a crude culture and can't manage the cost of tutoring just as a grounded family. We can see,



nonetheless, that they are not creating as fast as they ought to be in the public eye. At the point when a kid experiences childhood in a Dalit family, his dad's monetary status is low or he doesn't comprehend the worth of instruction, hence he can't send him to school.

At the point when the child arrives at the period of study, his dad carries him to work with him, and the centre issue starts, with ensuing ages living allegedly ignorance because of the dad's shortcoming or lack of education. Now and then If a family tries to send their youngster to school, their destitution restricts them from teaching their kids why the main choice left to them is to send them to cooperate. Therefore, one of the essential drivers of burdened individuals' backwardness and segregation is ignorance in the public arena.

#### **4.2 Scarcity of farming land**

India is basically a rural country, with horticulture giving work to the greater part of rustic inhabitants. In country regions, cultivating is the chief type of revenue. The higher ranks, then again, own most of the land. Dalits don't claim land, and the people who really do regularly have very little of it, making it hard for them to develop harvests or sell them at a reasonable market cost. Since he has no property of his own, his main choice for bringing in cash is to chip away at another person's ranch. Dalits are financially burdened because of an absence of admittance to land, constraining them to look for work somewhere else.

At the point when he begins working in another area, he is taken advantage of since devastated individuals are compelled to work as indicated by their chief. At the point when desperate individuals work for an everyday wage, they acquire 300 rupees per day and should purchase their apportions for similar 300 rupees to take care of their whole family. Therefore, rather than sending their kids to school, helpless guardians feel it is more suitable to take them to cooperate with the goal that two individuals might acquire Rs. 600 in a day, regardless of the way that the general public fizzles. Accordingly, land shortage contributes altogether to the double-dealing and bias of the poor in the public eye.

#### **4.3 Fear of the upper class**

Needy individuals' eyes have been loaded up with dread for a long time and it keeps on existing at this point. At the point when a lower standing individual passed from a higher position individual's home, we used to find in motion pictures or gain from teachers that he needed to eliminate his sleeper, lay it on his head, and walk around the front of that house. These practices are currently phenomenal, yet nobody can guarantee that they have all been dispensed with. The upper station used to keep the poor as slaves and get some horticultural land from their managers to develop. Also, these reinforced works used to be set up so that if a fortified worker passed on, his child would take up his dad's business. To that end society's lower ranks are as yet scared of the upper ones. To connect the split among lower and top positions and take out bias in the public eye, that progressive system ought to be abrogated, and ruined individuals ought to be treated with empathy instead of dreading.

#### **4.4 Inter-caste marriages are uncommon**

In the present papers, we read about a lower position young person who disappeared with an upper rank individual and was killed by the kid's family. We only sometimes hear or read of an upper-rank person being killed in light of the fact that he wedded a Dalit or a lower- position lady. The group of an Upper station man who weds a Dalit or lower standing young lady wants to kill the Dalit young lady, while the Dalit young lady's or lower rank family doesn't dissent to the marriage. That is, while society licenses between station marriage, not all between standing relationships are acknowledged. They permit between rank weddings assuming the man is from the upper standing and the lady is from the lower position; if the inverse occurs, society would kill you. One method for destroying rank separation in the public eye is between station marriage. The more prominent the quantity of between station relationships in the public eye, the sooner bias will disappear.

#### **4.5 Political Participation and Control are lacking**

The development of the villa might be utilized to check the nation's advancement. Since country regions are home to the majority of individuals. In a city, everybody knows about their privileges, but in a provincial region, everybody knows about their freedoms. At regular intervals, the Panchayat political decision is held, and the Indian Constitution gives the option to run in the political decision. Thus, assuming that somebody comes from a lower position and can settle on their own choices without mediation from upper standing individuals or strain from a predominant player in the public eye, station bias and outrages can be destroyed from society.



#### **4.6 Positive Action in Weakening Caste-Based Disparity**

The era of the 1990s is a significant time frame and window to analyse the socio-economic period of India because it corresponded with the implementation of Mandal Commission Recommendations and the privatization of the Indian economy. The two important milestones of modern independent India taking place in the same decade turned out to be a great blessing for those caste groups enlisted under OBC (Other Backward Classes), SC (Scheduled Castes) and ST (Scheduled Tribes) categories. The Mandal Commission was a commission set up by the Central Government in 1970 to analyse the need for affirmative action for Other Backward Classes in India and its recommendations were implemented by the Central Government under Prime Minister V.P. Singh. This led to a huge increase in the representation of Other Backward Class Groups in educational institutions and government occupations. The Mandal Commission submitted its report in 1978 and the rationale given behind the provision of affirmative action for OBCs was that these groups lacked the social capital and the societal privilege as compared to the Upper castes. This aspect of social capital is what causes individuals to climb up the economic ladder through contacts based out of human relationships. For example, a person whose parents are graduates has a better shot at obtaining good employment as compared to another person of the same qualifications whose parents are not graduates. This problem of social capital was thus addressed via the reservations provided for the OBCs. The societal disadvantage that the OBCs have had since independence was fixed comprehensively via the OBC reservations post 1990. The reservations scheme has had visible change in the lives of the OBCs.

When compared to affirmative action policies, how much have globalization and the opening up of the economy helped in the bridging of the economic divide between various castes? Has liberalization decreased or increased the caste differences in financial status? These are questions that have so far received only mixed answers so far. There is one school of thought that believes that privatization of India has led to the creation of more technical and professional jobs that have thus contributed to an increase in the number of available jobs and occupations. Since the OBCs post 1990 have had an increased participation in higher education and technical education because of the implementation of Mandal Commission Recommendations, they have thus obtained greater access to high-skilled jobs born out of industrialisation. Thus, due to the increase in the number of the OBC professionals in skill-based professions coupled with the increase in professional jobs due to privatization and increased industrialization, the OBCs could capitalize on this increase in jobs thus leading to an overall increase in OBC employment. Apart from OBC professionals, 70 years of affirmative action provided to the former "untouchables" has drastically increased the amount of graduates and postgraduates belonging to the community thus increasing their share of population in private sector jobs too.

#### **5. Role of Economic Freedom in Thinning of Caste Structure**

Apart from the increase in higher education and improvement in the number of jobs, there is another aspect of post-globalisation India that is helping bridge the gaps between castes and is also helping in diluting the virility of the caste structure and the discriminations associated with it. This aspect is the phenomenon called urbanization. As industries popped up rampantly in multiple parts of the nation post liberalization in major cities across the nation, this led to rapid urbanization with people moving to cities and surrounding urban areas at a pace never seen before in the modern history of India. A city is a place where people from across surrounding areas conglomerate for economic gains and improvement in standard of living. Thus, cities mostly function as mere economic hubs where economic activities are prioritized over the identity of the people. In an average village in India, feudalism is still a common place and thus, caste roles are clearly demarcated for each community thus perpetuating a vicious cycle of caste-based occupations and caste-based status in the society. But in the cities, economics being the first and often the only priority of the people, the idea of caste identity to a large extent is often forgotten and a cohesive society is formed to aid the economic machine in the city. Moreover, in villages there is a presence of explicit caste-based discrimination with segregated public spots for communities belonging to the lower castes whereas this is not the case in the cities where public transportation, public dining halls, public drinking water facilities and public education facilities are all common place. Thus, the liberalization of India in 1991 led to the formation of several big cities and city-like economic hubs, thus leading to mass eradication of explicit caste-based discrimination in multiple parts across the nation.

#### **6. CONCLUSION :**

- Employees of government and private should be recruited from various groups and should be trained in caste related matters in terms of discrimination and social exclusion.
- Lower caste groups should be included in every development programees in matter of project execution, implementation and so that learning process may be implemented in a effective manner.



- In any engagement with the corporate sector, recognise and advocate for rights-based and caste-sensitive initiatives as part of rights-based strategic planning, especially to tackle oppression of Lower castes and other minority communities in global value chains.
- Promote consistent internal policy to eliminate caste prejudice in all forms.
- Deliver a comprehensive and reliable humanitarian response in collaboration with community-based organisations.
- Collaborate with Dalit and human rights organisations to ensure that the Draft UN Principles and Guidelines are followed.
- Deliver learning and initiatives to challenge exclusionary social norms and increase awareness about caste, sex, and other forms of prejudice, as well as rights to non-discrimination, between public and government authorities, teachers, and media practitioners on the Eradication of (Caste) Unequal treatment based on Work and Descent.

#### **REFERENCES:**

1. Chatterjee, S.M. and U. Sharma, ed., (1994), *Contextualising Caste* Oxford, Blackwell Publisher.
2. Dumont, L. 1970. *Homo Hierarchicus: The Caste System and its Implications* Delhi, Vikas.
3. Omvedt, Gail. 1996, *Dalit Visions: The anti-caste movement and the construction of an Indian Identity* Orient Longman limited, Hyderabad
4. Shah, Ghanshyam (eds.) 2001, *Dalit Identity and Politics: Cultural Subordination and the Dalit Challenge*, Volume 2 Sage Publications, New Delhi, London
5. Shah, Ghanshyam (eds.) 2002, *Social Movements and the State: Readings in Indian Government and Politics*-4 Sage Publications, London, New Delhi and Thousand Oaks