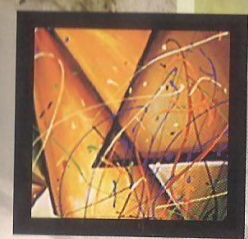


DEVELOPMENTS IN SOCIAL SCIENCES



Developments in Social Sciences

Atik-ur-rahaman S.M.
Praveenkumar Kumbargoudar



Developments in Social Sciences

• Atik-ur-rahaman S.M.
• Praveenkumar Kumbargoudar



AADI Publications

18, Jain Bhawan, Opp. NBC, Shanti Nagar, Jaipur-302 006
Ph.: 0141-222 0599, 94144 43132
e-mail : aadipublications@gmail.com

ISBN 978-93-80902-68-5

9 789380 902685

₹ 1050.00

14

Social Evils Related to Caste Discrimination and Human Rights Concerns

Dr. Desh Raj Sirswal

Introduction :

Caste has always been a very powerful social institution in India. In ancient India there developed a social system in which people were divided into separate close communities. These communities are known in English as caste. Etymologically, the term "caste" was originated from the Portuguese term "Casta", which literally means "lineage" or "race." It was in 1563 that a Portuguese Carcia De Orta wrote about the Indian Caste system thus "No one changes from his father's trade and all those of the same caste of shoe makers are the same."¹ The origin of the caste system is in Hinduism, but it affected the whole Indian society. The caste system in the religious form is basically a simple division of society in which there are four castes arranged in a hierarchy and below them the outcast. But socially the caste system was more complicated, with much more castes and sub-castes and other divisions. In a village society in India, even with the Panchayati Raj, legislation that seeks to promote grassroots democracy, a Dalit is an outsider in the village. The Dalit does not belong to the caste-ridden Hindu society.² Legally the government disallows the practice of caste system but has a policy of affirmative discrimination of the backward classes. In this paper we will study caste system in reference to human rights in India.

History of Caste System

There are different theories about the establishment of the caste system like religious-mystical theories, biological theories and socio-historical theories. According to the ancient Hindu scriptures, there are four "varna". The *Bhagavad Gita* says *varnas* are decided based on *Guna* and *Karma*. Manusmriti and some other shastras name four varnas: the Brahmins (teachers, scholars and priests), the Kshatriyas (kings and warriors), the Vaishyas (agriculturists and traders), and Shudras (service providers, labourers). In "*Purusa Sukta*" of Chapter X of the *Rig-Veda* we find only one verse dedicated to an explanation of the origin of caste division. In this verse a supreme being was conceived from whose mouth the priest brahmins was produced, the warrior (rajanaya/kstriya) was produced from His arms, from His thighs was produced the trader (Vaisya), the fourth caste, i.e., the servant (sudra) was produced from His feet."³

This theoretical system postulated *Varna* categories as ideals and explained away the reality of thousands of endogamous Jatis actually prevailing in the country as being the result of historical mixing among the "pure" Varnas—*Varna Sankara*. All those who did not subscribe to the norms of the Hindu society, including foreigners, tribals and nomads, were considered contagious and untouchables. Another group excluded from the main society was called Parjanya or Antyaja. This group of people formerly called "untouchables", the Dalits, was considered either the lowest among the Shudras or outside the Varna system altogether.

Reforms related to Caste System

There have been challenges to the caste system from the time of Buddha, Mahavira and Makkhali Gosala. Opposition to the system of varna is regularly asserted in the Yoga Upanicads and is a constant feature of Cina-âcâra tantrism, a Chinese-derived movement in Asom; both date to the medieval era. The Nâtha system, which was founded by Matsyaindra Nâtha and Gorakha Nâtha in the same era and spread throughout India, has likewise been consistently opposed to the system of varna.

Many Bhakti period saints rejected the caste discriminations and accepted all castes, including untouchables, into their fold. During the British Raj, this sentiment gathered steam, and many Hindu reform movements such as Brahmo Samaj and Arya Samaj renounced caste-based discrimination. The inclusion of so-called untouchables into the mainstream was argued for by many social

reformers. Mahatma Gandhi called them "Harijans" (children of God) although that term is now considered patronizing and the term Dalit (*downtrodden*) is the more commonly used. Gandhi's contribution toward the emancipation of the untouchables is still debated, especially in the commentary of his contemporary Dr. B.R. Ambedkar, an untouchable who frequently saw Gandhi's activities as detrimental to the cause of upliftment of his people.

But the Dalit movement fall into blackness in political front after independence. "Since it has come to occupy the centre stage with a great influence on the country's politics, the Dalit movement, lately, has become a sort of business also. Many Dalit leaders have become political leaders forgetting the socio-cultural aspects of this movement. They have hardly any knowledge of Babasaheb's burning thoughts. Their full-time preoccupation is mobilizing the Dalit masses for electoral gain."⁴ The practice of untouchability was formally outlawed by the *Constitution of India* in 1950, and has declined significantly since then, to the point of a society allowing former untouchables to take high political office, like former President K.R. Narayanan, who took office in 1997 and former Chief Justice K.G. Balakrishnan, etc.

Caste System in Modern India

In some rural areas and small towns, the caste system is still very rigid. The leaders of independent India decided that India will be democratic, socialist and secular country. According to this policy there is a separation between religion and state. Practicing untouchability or discriminating a person based on his caste is legally forbidden. Along with this law the government allows positive discrimination of the depressed classes of India. Caste is also a factor in the politics of India.

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 former "untouchables" (the term "Dalit" is now preferred). The present population is 16 per cent 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 per cent of the total population of India, i.e., around 70 million.

Other Backward Classes (OBC)

The Mandal Commission covered more than 3,000 castes under OBC Category and stated that OBCs form around 52 per cent of the Indian population. However, the National Sample Survey puts the figure at 32 per cent. 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.⁵

The caste-based reservations in India have led to widespread protests, such as the 2006 Indian anti-reservation protests, with many complaining of reverse discrimination against the forward castes (the castes that do not qualify for the reservation). Many view negative treatment of forward castes as socially divisive and equally wrong. To defend the reservation system it can be said that, "It was intended to give a measure of self-respect to those who had no sense of worth for generations. So with reservation we are going to create a critical mass of people who will be able to stand on their own feet and fight for their rights themselves. This is the critical role that reservation ought to play."⁶

Today the number of scheduled castes who are in grade one of the IAS cadres have gone up. But still there is a difference as a whole. There are some objects raised by so called upper communities that the SCs are incompetent to any post. Why not have special schools to impart secular, quality education to them? Let the Brahmins, Kshatriyas, Bhumihars go to government schools. Then lets see who competes again whom.

Caste Discrimination and Human Rights

Caste discrimination, which results from the hierarchical division of a society placing inherent privileges and restrictions by birth, runs contrary to the belief that "all human beings are free and equal in dignity and rights" as stated in Article 1 of the *Universal Declaration of Human Rights*. Caste discrimination is a chronic human rights condition, which involves massive violations of civil, political, economic, social and cultural rights. Caste-affected communities are denied a life in dignity and

equality. According to the United Nations Sub-Commission study on discrimination based on work and descent, a number of human rights violations occur in relation to caste discrimination including violations of:

- The right to physical security and life and the right to be free from violence.
- The right to equal political participation and access to justice.
- The right to own land.
- The right to equal access to public and social services.
- The right to freedom of religion.
- The right to marriage on free will.
- The right to education and cultural identity.
- The right to equal opportunity and free choice of employment and equal, just and favorable conditions of work.
- The right to be free from forced or bonded labour.
- The right to be free from cruel, inhumane or degrading treatment.
- The right to health, adequate food, water, sanitation, clothing and housing.⁷

The United Nations Committee on the Elimination of Racial Discrimination has in General Recommendation XXIX on descent-based discrimination recommended that all states "take the necessary steps to ensure equal access to the justice system for all members of descent based communities as well as ensure the prosecution of persons who commit crimes against members of descent-based communities and the provision of adequate compensation for the victims of such crimes." The issue of caste-based discrimination has also been addressed by UN treaty bodies, Special Rapporteurs and the Universal Periodic Review mechanism.⁸

Human Rights in India

National Human Rights Commission, New Delhi makes continuous attempts to address various Human Rights issue related to child labour, women problems, health, HIV/AIDS, etc. NHRC did following work on Dalit issues including atrocities perpetrated on them:

"Deeply concerned by the discrimination and other human rights violations faced by the Scheduled Castes, the NHRC has taken several initiatives to ameliorate their situation and protect their rights. They include the redressing of individual complaints; constitution of a Dalit Cell in 2003 headed by a Member of the Commission with the aim to monitor implementation of programmes; research studies on the socio-economic conditions of the Musahars, and the political and cultural status of dalit women in Haryana; and the preparation of a handbook on discrimination in order to sensitize teachers. The Commission requested Shri K.B. Saxena, IAS (Retd.), to conduct a study on the atrocities against the Scheduled Castes, which has been completed. The Commission proposes to mount an appropriate campaign in this regard."⁹ But NHRC studies become waist when they come close to the real situations, where its duties are concerned.

Let us take the cases of Haryana State. From the last two or three years many inhuman activities were occurred, like burning of humans and their houses (Dulina Kand, Gohana Kand, Mirchpur Kand), gang rape with Dalit girl, violence in reference to voting to opposite party by Dalits and so on. These are still waiting for justice and compensation as abovesaid. The root cause of these problems lack of political and administrative will and when we closely see these cases, we can find there are caste-discrimination and inhuman role of so called upper-caste dominance in politics and government.

Several policies were made and many commissions were established but the reality is without any change. Most of the misshapennings become the case of SC/ST Act not of Human Rights issues because of incompetent judiciary system and fake policies made by the government. Caste-discrimination rules all these activities. And since independence there is not a single case of social awareness programme conducted by any political party and government and caste discrimination become the root cause of all social evils in our so called democratic and secular Indian society.

Dr. Ambedkar strongly condemned the caste-system because it is based on hierarchy not equality, lack of social efficiency instead of social mobility, disruptive tendencies rather than harmony, ex-communication instead of union, endogamy and not on exogamy and on anti-social spirit rather than on social spirit. He also condemned caste system because it prevented assimilation

and promoted segregation. It not only created differences among the Hindus but also made them inactive, proved to be a barrier in the ways of land reforms and promoted social backwardness and has done grave injustice to the lower castes.¹⁰

The foundation of Human Rights may be seen in the dignity or value of man through which human beings are declared to be equal, "Discussions on human rights cannot be exhausted by mere understanding of codified, empirically derived statements. The moral (that shapes the human values) is encapsulated in the aspirations and desirability in the project as well as in the judgement on the memory. So, enforcing of human rights as universal is based on the idea of the moral on desirability and goal."¹¹

The number of people directly affected by caste discrimination and thereby exposed to the human rights violations associated with it in India and Nepal are: India—167 million or 15-20 percent of total population (Estimates are at 200 million) Nepal—App. 4.5 million or 15-20 per cent of population. Caste discrimination furthermore occurs in Pakistan, Bangladesh, Sri Lanka, Japan, Yemen, Senegal, Burkina Faso, Mali, Cameroon, Mauritania, Sierra Leone, Nigeria, Kenya, Ethiopia, Somalia, Yemen and Micronesia and possibly more. It also occurs in Diaspora communities in Europe, North America, and Asia.

It is estimated that more than 260 million people worldwide are affected by caste discrimination, making this one of the biggest and most overseen human rights issues in the world today. For those who suffer from this type of discrimination on a daily basis, immediate response is needed by state and non-state actors at all levels. A comprehensive framework to address this form of discrimination, such as principles and guidelines on the effective elimination of discrimination based on work and descent, would offer an instrument to prevent and address this form of discrimination globally. We should think again on these issues as they are important aspect of social and national development.

References

1. Dev, Sat (2007). "Classification of Castes in Haryana: An Overview", *K.U. Research Journal of Arts & Humanities*, Vol. XLI (Part-I), 107.
2. Rosario Rocha, S.J., "Dalit Consciousness, *SNJ Journal of Intercultural Philosophy*, 120.

3. Sarkar, Proyasa (2006). "Caste: Discrimination and Standardization", *JICPR*, Vol. XXIII, No.03, July-Sept. 2006, 173.
4. Raj Shekhar, V.T. (2007). "Socio-cultural Structure of Dalit" in *Dalit Purnan*, No.3, 30th June, 2007, 50.
5. "Caste system in India", From *Wikipedia*, the free encyclopedia http://en.wikipedia.org/wiki/Caste_system_in_India
6. Gupta, Dipankar (2005). "Caste is Losing Its Importance" (Review) by Rita Anand in *Civil Society*, January 2005, 25.
7. "Caste Discrimination and Human Rights", cited on 05-10-2010 http://www.idsn.org/fileadmin/user_folder/pdf/New_files/IDSN/Caste_discrimination_and_human_rights_brief_final.pdf
8. *Ibid.*
9. "Human Rights Issues", cited on 05-10-2010 <http://nhrc.nic.in/>
10. Singh, Ranbir (1998). "Sociological Perspective of Dr. B.R.Ambedkar", *Bharat Ratna Baba Saheb Dr. B.R.Ambedkar* (ed.) S.K. Kushwaha, K.U.K., 34.
11. Oinam, Bhagat (2008). "Human Rights are Legal Rights ! But What Lies Beneath ?", *JICPR*, Vol. XXV, No. 2, April-June, 59.