

A STUDY ON THE DEVELOPMENT OF HUMAN RIGHTS AND ITS IMPACT ON THE CASTE SYSTEM IN INDIA

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ABSTRACT

This paper analyses the Indian caste system and explores the advent of caste-based discrimination's recognition as a human rights violation. The Indian Caste System is traditionally one of the major dimensions wherein human beings in India are socially differentiated via class, religion, region, tribe, gender, and language. Although this or different kinds of differentiation exist in all human societies, it will become trouble when one or greater of those dimensions overlap every other and come to be the only foundation of systematic rating and unequal entry to valued assets like wealth, income, strength and prestige. Its records are hugely associated with one of the distinguished religions in India, Hinduism, and have been altered in lots of methods throughout the Buddhist revolution and beneath neath British rule. Dalits (untouchables) were the ones who were severely affected and have been discriminated against for a long time and have since fought for the recognition of equal rights as fellow human beings. Although not quite achieving much awareness for their cause as much as the prevalence of racism, they have made significant but limited advances among international organisations. This paper concludes by stating that International human rights laws should look into the viciousness of caste-based discrimination and not have it be treated akin to racism as it has been proved that casteism is not in any way associated with skin-colour-based discrimination.

Keywords: Caste, values, abolishment, stratification, discrimination.

INTRODUCTION

The Indian Caste System is traditionally one of the principal dimensions wherein humans in India are socially differentiated through class, religion, region, tribe, gender, and language. Although this or different sorts of differentiation exist in all human societies, it will become trouble when one or more of those dimensions overlap every other and come to be the only foundation of systematic rating and unequal entry to valued assets like wealth, income, strength and prestige. The Indian Caste System is taken into consideration as a closed machine of stratification, this means that a person's social reputation is obligated to which caste they had been born. There are limits on interplay and behaviour with humans from any other social reputation. This paper can explore the numerous factors of the Indian caste

machine and its outcomes in India today. (Deshpande, n.d.)

The caste system is a type of human stratification into 4 hierarchically ranked castes known as varnas. They are categorised consistently by career and decide to get entry to wealth, strength, and privilege. The Brahmans, commonly monks and scholars, are at the pinnacle. The Kshatriyas followed the Brahmans in the system and were usually the political rulers and soldiers. They are followed by the Vaishyas or merchants, and the fourth is the Shudras, who are commonly labourers, peasants, artisans, and servants. At the very backside are the ones taken into consideration the untouchables. These people carry out occupations which might be taken into consideration as unclean and polluting, together with scavenging and skinning useless

animals and are taken into consideration as outcasts. They aren't taken into consideration to be blanketed inside the ranked castes.

The varnas are then divided into specialised sub-castes known as jatis. Each jati consists of a collection deriving its livelihood more often than not from a particular career. People are born right into a sure certainty and come to be members. They then collect the right career consistent with their jati. Maintaining this hereditary occupational specialization and hierarchical rating of occupations is stated to be accomplished through a tricky ritual machine regulating the character of social interactions among the jatis. Vedic texts from the Hindu religion, which have been compiled, legitimized, and interpreted through the manner of way of the Brahmans, provide the reason for the hierarchical kind and the rituals governing social behaviour. There were, and nonetheless are, rules which may be laid down concerning appropriate occupational pursuit, and appropriate behaviour inner and amongst castes, further to rules related to marriage. Since India's independence from Britain in 1947, there has been widespread relaxation of the rules related to the caste machine. There came to be more sharing amongst people of the centre and pinnacle castes, but, those inside the bottom castes persevered to eat one after the alternative from the relaxation. There come to be moreover a great extrude in occupational goals and interests among men from 1954 to 1992. Earlier, most men were dedicated to their traditional caste-related jobs, but through manner of way of 1992, most had taken up extra contemporary-day occupations.

Although some caste-based completely prejudiced and scores nonetheless existed, wealth and electricity have now an awful lot much less associated with caste. Caste has come to mass an awful lot much less a great part of the normal lives of folks who lived in town areas in comparison to rural areas, but, its significance nonetheless varies through manner of way of social class and career. Among town centre-class professionals, caste isn't always

overtly stated and is pretty insignificant, except close to marital arrangements. Even then, there are adjustments made with troubles closer to education, career, and income, further to religion and language. Although discrimination against the concept of caste has been outlawed in India, it nonetheless exists in the community today. (Deshpande, n.d.)

EFFECTS OF CASTE-BASED DISCRIMINATION

The results of caste in Indian society are multifarious and vicious. Caste is the mom of maximum of the ills that exist in Indian society. Caste no longer allows a real spirit, however, promotes a slender caste spirit. We do now no longer have a united society, however, in lots of societies, every caste is a separate society. Even inside the identical caste, there are numerous sub-castes and many mini-societies. The result is disastrous; infinite departments in society. Caste is delinquent in spirit. Caste has thwarted the emergence of what the sociologists name awareness of kind. It is extraordinarily painful to recognise that in Indian society, a few organizations of human beings are historically branded as criminals. They emerge as the primary goals of the police and are suspected and frequently tortured with the aid of using the police against the law dedicated with the aid of using someone else. The reason for all that is the caste system. Many killings, kidnappings, murders, rapes and all styles of social unrest are because of the caste system (Ambedkar, B.R 1916: 25).

Casteism has additionally been contributing to the continuation of socio-financial inequalities. It is genuine that India has been an unequal society due to the fact of time immemorial. The Scheduled Castes, Scheduled Tribes and backward instructions have suffered for a long time from socio-financial deprivations. There are giant inequalities in our society, which can pose a critical project to Indian democracy. During elections, a huge quantity of the electorate supplies weight to the caste and faith of the candidate. Political events additionally preserve in thoughts the caste or

faith of someone whilst dispensing tickets for the election. Representatives are elected on the premise of caste or faith paintings for the welfare of the humans belonging simplest to their caste or faith. (Waughray, 2009). The caste gadget additionally had a cascading impact via the lineage of Indians. Due to the privileges loved with the aid of using the top castes, their lineage was given to have higher first-rate lifestyles and higher possibilities while the kids of the decreased castes, even after the abolition of untouchability and casteism, usually appear to now no longer capable of pass up of their professional ladder and alternatively continue to be poor. (Rao, 2010)

ROLE OF INTERNATIONAL HUMAN RIGHTS LAW IN CASTE-BASED DISCRIMINATION

There is beyond any doubt an incompatibility between India's admirable system of equity laws and reservations, each constitutional and statutory, and also the testimony of Dalit human rights organisations of the continued presence of caste-based discrimination. This leaves the human rights accord and charter-based bodies in a quandary; a way to frame recommendations for the improvement of things of the Dalits through human rights law in India, once several of the mechanisms for the restoration of equality are already in place. They also occupy the privileged position of being constitutional safeguards, which lends ethical moreover as legal weight (Stevenson, 1954). It's troublesome to understand why the Republic of Indian government would be reluctant to tackle caste-based discrimination if it's still occurring once it's already shown a such disposition to try and do therefore within the basic law of the state. It's the actual history of these reservations, and also the caste struggle itself, that answers the question of why India might not be willing to implement her extensive domestic provisions, to the level that this caste system would become an anachronistic system. Ambedkar ensured that the 'Untouchables' of the Nineteen Thirties were a political unit, and his threat to enact a permanent split at intervals of Hinduism was

enough of a bargaining tool to extract the equity laws and reservations from the caste Hindu majority. (Mencher & Unnithan-Kumar, 1974)

The human rights treaty-monitoring bodies have engaged with the problem of caste, particularly since 1996 once CERD expressed that caste-based discrimination was a kind of descent-based discrimination within the context of India's state report. The subsequent section appearance the response to the reports received from South Asian countries that support a class structure by four committees: the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Kid and also the Committee on Economic, Social and Cultural Rights; and assesses their contribution to the identification of caste-based discrimination as a significant supply of human rights violations. The section additionally examines what remedies the Committees have planned for the elimination of caste-based discrimination. The ultimate section on caste and justice examines the precise drawback of caste prejudice within the police and in the judiciary. The Human Rights Committee Republic of India sanctioned the International Covenant on Civil and Political Rights (ICCPR) on 10 April 1979. The Covenant protects against discrimination in its article 26, together with discrimination supported by 'social origin'. In 1997, the Human Rights Committee (HRC) found that the Republic of India was violating its obligations below the ICCPR through its treatment of the Dalits. It noted:

"with concern that despite measures taken by the government, members of the regular Castes and regular Tribes, moreover as questionable backward categories and ethnic and national minorities still endure severe social discrimination and suffer disproportionately from several violations of their rights under the Covenant, together with inter-alia inter-caste violence, secured labour and discrimination of all kinds. It regrets that the de facto prolongation of the class structure entrenches

social variations and contributes to those violations.”

The HRC counselled that India adopt further measures together with instructional programmes at the national and state levels to combat all types of discrimination against these vulnerable groups, under Article 2(1) and Article twenty-six of the Covenant. The HRC has additionally in brief commented on caste in Nepal in 1994 below article 26 of the Covenant: ‘The Committee ... is especially disturbed by the very fact that the principle of equity and equality of rights suffers serious violations in observe and deplores inadequacies within the implementation of the prohibition of the system of castes.’ The HRC should still condemn caste-based discrimination under Article 26 of the Covenant through the state reportage procedure. Since 1997, the Committee has not needed to review a report from the Republic of India or Nepal, and at the time of its thought of India’s 1997 report, the international movement against caste-based discrimination was comparatively young. Once such a happening arises, the Committee should complement the work of the opposite treaty-monitoring bodies and also the United Nations Sub-Commission on the Promotion and Protection of Human Rights by distinctive caste as a significant supply of the denial of civil and political rights, despite formal equity laws. The Committee need to determine and condemn, especially the violation of the correct ‘equal protection of the law’ in the Republic of India below article twenty-six of the Covenant. Since the 1990s, violence against Dalits in India has escalated dramatically in response to growing Dalit rights movements. Between 1995 and 1997, a complete of 90,925 cases were registered with police nationwide as crimes and atrocities against regular Castes (Human Rights Watch, 2001). The United Nations Sub-Commission’s operating Paper on Work and Descent-based Discrimination noted that: ‘the atrocities committed – murder, rape, mutilation, combustion and so forth – don’t seem to be solely isolated acts, however, might even be

acts of mass savagery committed by militia teams used by the higher castes.’

One of the most glaring examples of police brutality intertwined with caste-based oppression occurred in September 2020, when a 19-year-old Dalit woman from Hathras, Uttar Pradesh, was gang-raped and later succumbed to her injuries. The police response to the case was widely criticised for its insensitivity and mishandling. The police were accused of burning the victim’s body in the dead of night without the family’s consent, under the pretext of maintaining “law and order.” This incident drew national outrage and international condemnation, spotlighting the deep-rooted nexus of caste-based discrimination within the law enforcement system.

The Hathras case exemplified the collusion between caste and state machinery, where instead of ensuring justice, authorities allegedly worked to shield the perpetrators, who belonged to an upper-caste group. The police’s actions were seen as part of a larger pattern of systemic violence against Dalits, where the justice system fails to protect victims from marginalised communities, often siding with the upper-caste perpetrators. In recent years, data on caste-based violence reveal a worrying trend of increasing atrocities against Dalits and other marginalised groups. According to the National Crime Records Bureau (NCRB) report, crimes against Scheduled Castes (SCs) saw a 9.4% increase in 2020 compared to the previous year. This includes incidents of murder, rape, and physical assault, which are often carried out as acts of social dominance and retribution for Dalits asserting their rights or refusing to adhere to caste norms. One of the more recent cases of caste-based atrocities occurred in Tamil Nadu in 2023, where a Dalit man was lynched by an upper-caste mob for entering a temple, an act that violated local caste-based traditions. Such incidents underline the enduring caste-based hierarchies in Indian society that still dictate access to public spaces, cultural practices, and religious participation.

Caste-based discrimination is deeply ingrained in Indian society, affecting access to education, healthcare, and employment opportunities for millions. Dalits and other lower castes, especially in rural areas, are often segregated in social spaces, deprived of land ownership, and subjected to bonded labour. Social boycotts, untouchability practices, and violence continue to limit the freedoms of these communities, directly violating their human rights.

CONCLUSION

Contemporary human rights law associate degree establishments offer an expansive piece of ground on which people and teams suffering a range of grievances may stake their claims. The language of the UDHR and plenty of alternative human rights instruments is broad, and NGOs and international organisations are usually willing to listen to the claims of groups suffering abuses. The discrimination is institutionalised, with many state organs, including the police and judiciary, exhibiting bias in handling cases of caste-based atrocities. Crimes committed against Dalits are often underreported or misclassified by authorities, leading to further victimisation. Except for many aggrieved groups, the overall coverage provided by international human rights instruments could also be insufficient. For adequate remedies to be found, it's going to be necessary to pinpoint violations in an exceedingly specific sense. Naming an abuse specifically may make it doable to focus on perpetrators who associate degraded shame establishments with corrective action. On the far side of these discourse issues, however, the ultimate successes of Dalit activists highlight the connectedness of structure and rhetorical factors, over which aggrieved teams exercise important control. In protruding the Dalit cause overseas, the formation of a national coalition of once disparate Indian NGOs competed for a key role, as did the fast creation of a global network of commonness NGOs. These provided an in-progress organisational basis for consciousness-raising, lobbying, and alternative policy in exceedingly kind

international forums. On a rhetorical level, Dalit activists advanced their cause internationally by strategically adapting to the requirements of international actors. Most importantly, they reframed caste-based discrimination at intervals the broader rubric of work-and-descent-based discrimination. Additionally, Dalit activists uncovered, publicised associate degreed coupled themselves to victims of comparable abuses outside the Republic of India and also the Hindu cultural zone. Notably, international NGOs and foundations compete for a helpful role in these processes, providing resources, ideas, legitimacy, and promotional material to the long-run efforts of tiny teams of Indian and expatriate activists. Nowadays a lot remains to be done to assist India's Dalits and victims of similar discrimination worldwide. In distinction to the recent past, however, there has been real progress on the international stage. The evils of caste-based discrimination are nowadays much better known, and major human rights organisations, each nongovernmental and intergovernmental, have placed the problems on their agendas. The key to ending abuses should return from domestic political and social processes, however to the extent that international attention and resources will help, Dalits have considerably advanced their cause in recent years.

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