

## AN ARTICLE ON CASTE-BASED VICTIMIZATION

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### VICTIMIZATION

Victimization occurs when an individual or a group of individuals is intentionally harmed or attacked either physically, mentally or economically by another individual or a group. Victims are the products of vulnerability. Victimization leads to the disruption of peace and harmony in the society. Victimization leaves a huge impact on individuals as well as on the society as a whole. An offence is any act or omission against the existing law. Every offender gives birth to a victim. Every offence creates an eternal impact on the victim especially mentally and economically. Physical wounds may heal over time but mental and economic wellbeing is broken forever once broken. For instance, a rape victim undergoes a lot of mental instability when she tries to socialize with people after the incident. She becomes insecure and starts isolating herself from the society. On the other hand, the society blames the victim for the incident and mocks her personality. In the end, she becomes a BRIGHT GIRL in the DARK. This is how serious victimization can destroy a person and shadow his or her brightness.

### COMMUNITY VICTIMIZATION

A 'Community' is a group of people living in the same place or having a particular characteristic in common. Generally, a society comprises various communities with vast diversities and practices. This diversity injects the thought of superiority of one community over the other and ultimately suppresses a particular community. Communities can be categorized based on Religion as The Hindus, Christians and the Islam, based on Caste as Brahmanas, Kshatriyas, Vaishyas and the Sudras, based on Sex as Male, Female, LGBTQIA+ and the list continues. Discriminations within these communities pave the way for Victimization. The vulnerable communities such as minorities, sudras, and the female community have been the most victimized group over the years. Lack of equal treatment, opportunities and policies also fall within the

purview of Victimization. Such serious concerns must be eradicated to ensure a society's smooth and peaceful existence.

Community Victimization prevails even at present throughout the country. The clash between Hindu-Muslims, North India and South India are all major concerns of communal violence which results in the rapid growth of victim groups. The views and perspectives about victimization based on gender, caste, and class have remained largely unaddressed in criminological studies. A survey<sup>1</sup> conducted in the year 2022 by the Azim Premji University in Karnataka concluded that crime victimization reduced with a rise in social and economic stature. **Dalits were 48 percent more likely to be vulnerable to crimes than upper-caste members. The results showed that 9 percent more men reported being victims of crime than women.** From this, it is very evident that

community differences in the society influences the growth and existence of victimization.

### **CONSTITUTIONAL PROTECTION AGAINST COMMUNITY VICTIMIZATION**

It is the duty of the Indian Government to provide a violence-less society for its citizens to live in. The Constitution assures the rights of the downtrodden and the vulnerable by placing Articles 14, 15, 17 and 21 under Part III of the Constitution which are the fundamental rights that can be enforced against the state. The Constitution in all possible ways tries to prevent all sorts of communal violence and discrimination and to ensure that victimization does not grow.

Victims of criminal attacks or any other actions that cause them harm are entitled to receive compensation from the State. For this, the state has brought in various other legislations to facilitate the victims and to protect their rights. In 2009, the Central Government instituted the revised guidelines for the central scheme for assistance to civilians victims/families of victims of terrorist, communal and naxal violence. The guidelines list the eligibility and procedure for claiming compensation. Besides, every State also has framed State Compensation schemes that are available to victims of communal violence in the respective states.

### **Articles 14&15 and their relevance with caste based victimization in India**

*The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India<sup>2</sup>. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.<sup>3</sup>*

These articles ensure that all people are treated equally in all respects and are in no circumstance discriminated based on any grounds like caste or gender or religion. As per this paper, **Caste discrimination is the major reason for community victimisation**. Once the cause is prevented, the issue does not emerge.

And that's how exactly Articles 14&15 help to prevent Community victimization and also protects such victims by ensuring their rights too.

The following case studies will highlight the essence of the Constitution.

### **Bant Singh's Case 2002<sup>4</sup>**

Bant Singh was a Dalit man. In 2002, the daughter of Dalit singer and activist Bant Singh, who was studying in 9th standard, was gangraped by Jats of her village in Mansa, Punjab. The rapists, supported by Panchayat, threatened Bant Singh to keep silent about the case and offered money. This was a rare case in which a Dalit man defied the sarpanch to seek justice for his daughter, and had succeeded in having the culprits sentenced to life imprisonment in 2004. In retaliation for obtaining justice, Bant Singh was ambushed in 2006 and brutally beaten by Jat men armed with iron rods and axes. He lost both his arms and a leg in the attack. Over the years, **Bant Singh has become a symbol of Dalit resistance**.

From the above case, it is very evident that the dalits are the most prone to be victimized in the society and the non dalits are brutal and harsh towards them and suppressing them at all walks of life. These practices can be abolished only when the concept of CASTE is burnt from the minds of the living. **Every human being is the same and deserves to be treated the same way. The land and the sky is the same for every human being and so is his right to use them in par with all.**

### **Jisha rape and murder case 2016<sup>56</sup>**

Jisha, a young Dalit student was raped and killed in her one-room house in Perumbavoor, Kerala on 28 April 2016. Her mother had mentioned that Jisha had complained to the police for more than a year about being harassed by the accused person, but her complaints were ignored. Jisha's friends started campaigning on social media after their enquiries fell on deaf ears. The campaign was

later taken up by the entire state as the 'Justice for Jisha' campaign. However, activists have pointed out that no investigating officials were punished for their inaction. In December 2017, the lone accused in the case was pronounced guilty on 3 counts of forcefully entering the victim's house, rape, and murder.

Another evident case to prove that lower caste people (Dalits) are prone to be victimized even in the modern era as this incident took place just 8 years ago in 2016. Complaints were ignored just because they were dalits and that they cannot complain over the non dalits. Generations passed, laws changed, technology advanced but still INDIA is backward only because of this division amongst people in the name of caste, making one superior to the other and motivating them to suppress them without any feeling of unity and integrity within them. Community Victimization needs to be looked into as a major concern because the law does not discriminate anybody based on anything. CASTE is only a BANE condition in the modern society.

### **Hathras Gang Rape and Murder – 2020**

It has been a year since the Hathras gang rape case when a 19-year-old Dalit girl was raped by four uppercaste men on a farm near her home in Bulgarhi village. She died from her injuries two weeks later and was forcefully cremated by the Uttar Pradesh Police in the absence of and against the wishes of her family. Upper-caste villagers and family of the accused tried to pass off the death as an “**honour killing**”, and the Uttar Pradesh police claimed initially that no rape had taken place. But in December 2020, the CBI completed its investigation and concluded that the victim had been gang-raped and murdered.

Is Caste more important than Human Lives? One person victimizes the other just because he is not of the same caste or that he can be made vulnerable because of his caste. What has Caste to do with a person's dignity? **CASTE ISN'T A CROWN TO BE WORN.** Honour Killing, Rape and exploitation and what more can India give the

world? The existence of caste can be acceptable but not its classification as UPPER AND LOWER. As young minds, we hope to give India a better societal atmosphere to live in.

### **Article 17 and its relevance with Victimization**

*“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.*

Untouchability is inhumane and a crime. Every school student would have come across this phrase as this is the first line printed in every textbook. And this is absolutely the first principle that all of us should imbibe in ourselves before any other. All human beings are born in the same way and so they should live the same way. Nobody deserves to be kept away or to be ill-treated. And this is why Article 17 has been added to the supreme law of the land. This condemns Untouchability in any form throughout the country and guarantees to protect such victims.

### **CASTE DISCRIMINATION IN PRISONS IN INDIA:**

In December 2020, a two-judge bench of the Rajasthan High Court (“HC”) took *suo moto* cognisance of the caste-based allocation of jobs in prisons after the news channel THE WIRE published an investigative piece on such practices throughout India's prisons<sup>7</sup>.

It was also found that as per the Prison rules in Rajasthan only Brahmins and other “sufficiently high caste Hindu prisoners” were eligible to be appointed as cooks. The Rajasthan Prison Manual prescribed that sweepers be chosen from those who have *customarily* practised sweeping in their district and prevented any else from being compelled to clean.

The “Mehtar” and “Chandal” castes, communities historically associated with manual scavenging and cleaning have been explicitly allocated tasks of sweeping and cleaning work even in the reformed Rajasthan manual. Additionally, the provision that hospital attendants must belong to a “good caste” also

persists in the Rajasthan Manual. It is especially appalling that manual scavenging continues to be this rampant in prisons. The Prison Reforms Committee in 1983 recommended replacing open basket latrines with flush type toilets and setting up laundries instead of manual washing of all inmates' clothes by selected castes.

Consequently, the Rajasthan government repealed several provisions of its 70-year old prison manual that authorised these problematic practices.

Furthermore, another abhorrent practice has been observed in the Uttar Pradesh Prison Manual. Rule 719 of which, includes the phrase "reasonable respect to caste prejudices of prisoners" and consequently offers protection to upper caste prisoners subjugating other lower caste inmates. This has translated into extreme harassment and humiliation by upper caste inmates.

From the above stated facts, it is well known that Victimization takes place inside prisons as well. Caste being an evaluating factor to decide the work for a prisoner? This is a GRAVE violation of the Constitution. Though prisoners are considered to be wrongdoers and found guilty of their act, equality amongst them cannot be compromised at any cost. Nobody should be subjected to discrimination. Offenders here become victims. Indian Criminal Law serves to protect the rights of the offender and takes utmost measures to reform him. And thus, even an offender does have the right to be treated equally without any sort of differences and discrimination. **CASTE IS NEVER A CRITERIA TO JUDGE OR DECIDE A HUMAN BEING'S MIND OR BEHAVIOUR.**

Everything is meant for everyone. If an upper caste person can top an exam, a lower caste person can as well. If a lower caste person can be found guilty of an offence, an upper caste person can as well. Intellect of every person varies which has no connection with caste and its baseless classifications.

## ENDNOTES

- 1 <https://www.deccanherald.com/india/karnataka/bengaluru/victimisation-varies-across-gender-caste-survey-1174251.html>
- 2 Article 14 of the Indian Constitution
- 3 Article 15 of the Indian Constitution.
- 4 [https://en.wikipedia.org/wiki/Bant\\_Singh](https://en.wikipedia.org/wiki/Bant_Singh)
- 5 <https://images.assettype.com/barandbench/import/2017/12/Ernakulam-Sessions-Court-Jisha-Murder-case.pdf>
- 6 AIR 2020 SUPREME COURT 5346
- 7 <https://jils.blog/2021/06/13/casteism-in-prisons-of-india-a-violent-ecosystem/>