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INTERNATIONAL JOURNAL

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## Caste Based Discrimination And Prevention In India

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### ABSTRACT

After getting birth you earn a lot of things and you got many things and they mostly depends on your work. But in some conditions some person got a thing which they got without any reason and even you can't change that thing till the end of your life.

That is caste.

After getting birth as a human we have many questions about ourself and about most of the question we don't get any answer till the end of life. In those questions, one question is about caste. It is one of common question among all. Reason is that many element of our life is depend on this and majority part of society are habitual of it. They have no idea specific and clear idea about that (maximum) but they continue follow that things. It added with blood and it continues with generation to generation .That are not compulsory but we have to habit to perform like marriage. What is caste? How was caste found? Who was the founder of caste? It matters?

**KEYWORDS-** Reservation, Representation, Education, Justice.

## Introduction

This whole world has so many country and they have various type of diversity and they have various point which became the method of exploitation. One of them is caste. The word caste tells a group of people who have same occupation, custom, tradition and these all things makes a different from another. If you are born or leaving in India then you are really familiar with the term caste because caste matters in India. We can easily see in India caste is a matter of marriage, As per a survey just 5 % of marriages in India are inter-caste<sup>1</sup>. So we can see that how much it matter in India, I am not saying at every times it matter but in majority time it matter. It is not bad that a single matter in majority part of your custom and traditions like respect our elders is a noble part of our culture and that is beauty of our culture and we must proud on that, but what happened when a thing which are an essential part of our gives a negative impact at large. Yes it very tough to think and very fear full to imagine that situation, that is caste. May be (not surely) caste was started for a good view but in current situation and the situations which was easily visible in past not good, may be the intention for start this system was good but it not give any positive impact on the society and our country. It is easily visible that how it impacts our country. See the SC, ST and OBC approx 60% of our population and they are facing discrimination on the basis of their caste. It is not justified that someone treat unequal the approx 60% population of the country just because of their caste and just think for the overall development of a country it is necessary that the total population of that country involved, but the major part of the population is not involved in that just due to caste based discrimination. So it is just not about that particular section of the society it is about the whole nation. It seems very funny that we want new facilities, developed technology, batter stage of leaving, good quality of education but we don't want to add the major part of population in that process of development just because of their caste. It is not something which just start from today or tomorrow it have a long history which we can't even imagine and the way it was happen is also a thing which is not in the area of imagination, the result is clear and every one can easily determine. The caste based discrimination gives impact in almost all area you can see in education, politics, and the other area. The representation are still less and some people are talk to remove the noble method of prevention and this is not there mistake they are gating some noble information form so-called good sources. In india just after the independence many majors are taken to stop the caste based discrimination. By the legislation as well as judiciary, but at the point of social we still doing

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<sup>1</sup> Just 5% of Indian marriages are inter-caste: survey, <https://www.thehindu.com/data/just-5-per-cent-of-indian-marriages-areintercaste/article6591502.ece>

nothing and the reason we don't know. But this is in the issues which we must taken seriously.

## Origin Of Caste

If we see in current age caste is mostly denotes by your surname and some time one surname is present in more then one caste. So it is just the way to know your caste and any other person can determine from which caste you belonging, but if you see in the old time age it was more then this. It decide just in which family you born and then your work will decide on your caste, you will got education or not that's depends on your caste, what you will wear that's depends on your caste and we don't know what more things deiced on the basis on caste. We can see the evidence that unwanted work was imposed on Shudra by the lines which Babasaheb Dr. B.R. Ambedkar mentioned in his and that lines say that.-“ Let me take more recent facts. The tyranny practised by the Hindus upon the Balais, an untouchable community inCentral India, will serve my purpose. You will find a report of this in the Times of India of 4th January 1928. The correspondent of the Times of India reported that high-caste Hindus—viz., Kalotas, Rajputs and Brahmins, including the Patels and Patwaris of the villages of Kanaria, Bicholi-Hafsi, Bicholi-Mardana, and about 15 other villages in the Indore district (of the Indore State)—informed the Balais of their respective villages that if they wished to live among them, they must conform to the following rules:

- . 1 Balais must not wear gold-lace-bordered pugrees .
- . 2 They must not wear dhotis with coloured or fancy borders.
- . 3 They must convey intimation [=information] of the death of any Hindu to relatives of the deceased—no matter how far away these relatives may be living.
- . 4 In all Hindu marriages, Balais must play music before the processions and during the marriage.
- . 5 Balai women must not wear gold or silver ornaments; they must not wear fancy gowns or jackets.
- . 6 Balai women must attend all cases of confinement [= childbirth] of Hindu women.
- . 7 Balais must render services without demanding remuneration, and must accept whatever a Hindu is pleased to give.
- . 8 If the Balais do not agree to abide by these terms, they must clear out of the villages. These The Balais refused to comply; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let go their cattle to graze. Balais were prohibited from passing through and owned by a Hindu, so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The



Hindus also let their cattle graze down the fields of Balais<sup>2</sup>. So it shows that how caste system control the personal liberty and it was setup as a way to do atrocities on the other section of the society or we can say the other society. So it shows that the reason to introduce the caste system may be a negative point ( not surely).It also denotes a reason to origin the caste system in india. If we see in history work was also a basis of origin of caste, the work was distributed on the basis of the caste. It is clear by that the in ancient era were get profession on the based on there caste and it was continue to many year. The effect of this classification we still can see in our society. The society was mostly divided into four class Brahmins, Kshatriya, Vaishya, Shudra and they have there work that only they can perform. Brahmins have the work of Priest and teacher, Kshatriya are King and soldier, Vaishya deal with trade and commerce, but Shudras have the rest unwanted work and they bound to do that. So it can be an another way to origin the caste system in India. But we can't say clearly on any point because there are very less historical evidence are in the books. So tough to say that which was the sole reason for origin of caste system in India.

## **Caste Based Discrimination**

In India, there are various point on which we can see people are discriminated. We can see discrimination on the basis of gender, on the basis of race, on the basis of sex, on the basis of place of birth, on the basis of religion. But the point on which we can see the maximum discrimination is CASTE. We can see still the representation of SC and ST are still less in any sector weather it is police, judiciary, administration or any other government and private sector. The major question is that how it impact in negative way, Firstly we must see how it happen in our society. It is not something which was just happen in past, it is something which we can still see around us and it not just in little places it happen various institution of the world. News of the Harvard Graduate Student Union ratifying a four-year contract that includes a provision for the addition of caste as a “protected category” for all graduate and undergraduate student workers at the university has been welcomed by Indian students in the US. The recognition by Harvard, announced last week, has paved the way for equitable education for South Asian students and employees in the country, the students feel<sup>3</sup>.So it show that caste based discrimination exist and it just not happened in a village or in a city or in a nation, it happened in the whole world. For become a good human education is an important thing and when are from a section of people which are discriminated on any ground

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<sup>2</sup> Dr. B.R Ambedkar, THE ANNIHILATION OF CASTE

<sup>3</sup> Soniya Agrawal, Harvard recognises caste-based discrimination, gives Indians studying in US hope of equality, The Print.

then you also think that if you get good education you will protect our self from that discrimination by the education which you get, but what happen when face discrimination in education institution. It is not a new thing that a person was discriminated just because of his/her caste, it happened with many who were very educated and source of knowledge. For example Dr. Ambedkar was write in his famous book 'Waiting for a Visa'- My five years of staying in Europe and America had completely wiped out of my mind any consciousness that I was an untouchable, and that an untouchable wherever he went in India was a problem to himself and to others. But when I came out of the station, my mind was considerably disturbed by a question, "Where to go? Who will take me?" I felt deeply agitated. Hindu hotels, called Vishis, I knew there were. They would not take me. The only way of seeking accommodation therein was by impersonation. But I was not prepared for it, because I could well anticipate the dire consequences which were sure to follow if my identity was discovered--as it was sure to be<sup>4</sup>. So we can see that a person who have a lot of knowledge, who done a lot of work for the establishment of Republic India, known as the Father of Indian Constitution but just the reason that he belong to a particular caste, he suffer a lot of discrimination in his life. It is not just about the social status it is about life also. Society is something which effects your life at a large and in that jurisdiction life is also include. Art. 21<sup>5</sup> provides the life as per the constitutional provision which is violated due to the caste based discrimination. The right to life enshrined in Article 21 can not be restricted to mere animal existence. It means something much more than just physical survival<sup>6</sup>, this statement shows that life is just not about physical survival it contents many things and alive without any discrimination also included that. After the independence government try to reduce caste based discrimination, that include various laws and schemes also. Reservation is one of theme. But now it shown that some people discriminate other people are in reserved class or they get any type of reservation. This thing is also conferred by many noble persons, in a speech Justice D.Y. Chandrachud (Judge of Supreme Court of India) says that - said that a narrow concept of merit only allows upper caste individuals to mask their obvious caste privilege. Such a narrow concept allows upper cast individuals to relegate the achievement of Dalits and others reserved classes as being a consequence of caste-based

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<sup>4</sup> Columbia University, Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 12, edited by Vasant Moon (Bombay: Education Department, Government of Maharashtra, 1993), Part I, pp. 661-691,

[http://www.columbia.edu/itc/mealac/pritchett/00ambedkar/txt\\_ambedkar\\_waiting.html](http://www.columbia.edu/itc/mealac/pritchett/00ambedkar/txt_ambedkar_waiting.html)

<sup>5</sup> Article 21 of The Constitution of India.

<sup>6</sup> WRIT PETITION (CIVIL) NO 494 OF 2012

reservation afforded to them<sup>7</sup>. So it shows the stage of this problem. That still something wrong is went in our society.

## **Impact Of Caste In Indian Politics And Education**

If you have any problem in your house, those thing effects each and every point of your life. As same if we have any problem in our country then that will effect each matter. So the caste based discrimination's impact we can see easily in Politics and in Education as well. For be a good human you must be have a good education because that helps you to deal with each and every problem in your life, by that you can achieve each goal which you want. Over all it is necessary for a country to be a developed country but due to the caste based discrimination a large section of our country still not able to get good education and that effect the whole country. It is not new a thing that on the basis of caste students are not getting good education, I don't want to mention any name but there are the n number of examples. Some time the question is arise that it is really matter that we really need to empower the suppressed section of the society? and the answer is yes. Because a chair can't balance its self just on 3 legs, the 4<sup>th</sup> leg must be there otherwise the chair will fall and broken into parts. So it is the need of the time. So the first question is that how we can indulge the suppressed section of the society with all. The simple answer of this question is that we must indulge them in each every work of society that include job, educational institution, schools, courts and all sectors. That's the reason the reservation system was introduces, but still we can see that SC, ST and OBC still not get reasonable representation. So indulging the deprived class with all, firstly it is our duty to provide them good education because education is a tool which can change the world. If we see in the politics it is too much. The Indian politics are mostly depends on the caste vote bank. People are mostly interested to give vote to only those who are belonging to their caste they are not care about the development and other things. It may be due to the two reasons, first people are still practices the caste based method in life and they are habitual of this thing and the second is people may think that one who belong to same is only one who can solve problems and give a batter representation in the Indian political system. Thus the caste system give another level of impact on Indian politics and which gives a very different type of impact.

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<sup>7</sup> Narrow Concept Of 'Merit' Allows Upper Caste Individuals To Mask Their Obvious Caste Privilege : Justice Chandrachud, Live Law

<https://www.livelaw.in/top-stories/justice-dy-chandrachud-caste-privilege-caste-discrimination-dr-ambedkar-187082>

## Laws On Caste Based Discrimination

If we talk about laws, firstly laws in our constitution Article 17<sup>8</sup> talks about **abolition of untouchability**. This Article says that practice untouchability in any form is prohibited and if any person practice it shall be guilty. It show the first step to stop the untouchability, see untouchability is practice mostly in the area of caste. This provision not give a large method or idea to stop the caste based discrimination but it clearly say that untouchability will not accept in india in any form and it also point out the caste based discrimination. If we see laws in India are present in a lot of amount, we can see laws are exists in every area and for every issue. But still we see work are not proper and we making more laws to deal with that problems. At some moments it may be a good idea but first try to see what is real issue that laws are not working or why things are not good. So it found that, the real problem is about to implementation of laws because laws are properly implement in India. And same problem is with the laws relate to caste. Laws are made for upliftment of lower caste and protection from any type of caste based discrimination, before many years. But still we not reach on the point for which that laws were drafted. The reason is simple, problem in implementation. Anybody can easily understand the problem of implementation by this situation that, there a police cope refuse to registered the problem under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, Otherwise it is duty of police to write the problem and do the reasonable help<sup>9</sup>. Otherwise in India we have good laws and one the best Constitution in the whole world but still conditions is not as the founding fathers thinks. See from the date india got independence, with economic and social development government try may method for the development of the weaker section of the society and one of the noble work is reservation system. Reservation system was introduce for the equal representation of the weaker section of the society, some people take it into another way and criticize it due to the absence of proper knowledge. But still the weaker section of the society is still not get the proper representation may be due to the problem of implementation or any other issue.

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<sup>8</sup> **Abolition of Untouchability**

<sup>9</sup> Act against cops refusing to register SC/ST atrocity cases, Business Standard, [https://www.business-standard.com/article/pti-stories/act-against-cops-refusing-to-register-sc-st-atrocity-cases-119090300548\\_1.html](https://www.business-standard.com/article/pti-stories/act-against-cops-refusing-to-register-sc-st-atrocity-cases-119090300548_1.html)

## **Key Challenges And Approaches To Combat Caste Discrimination**

Caste based discrimination is a serious matter of society and after the so many years we still found that in our society. The state want that this type of incident should come to end but mostly we see that there are no changes. Because every problem is not solve by just declared that unmoral/offence and by making laws for that. The reason is that it only give a way to prevent from that problem, it not give any effect to demolish from roots because today it is the need of society that these type of problem should be struck down and everybody understand that we should try to end from our nation. For example THE INDIAN PENAL CODE 1860 was draft in 1860 and soon it was enacted, by year to year we change it but we still see that offences ( which is exist in INDIAN PENAL CODE 1860) are still happen in so high amount. So we do one thing that we should teach to new generation that the crimes are bad thing and it is very dangerous for society. If they understand at age of understanding it will be a big step toward crimeless society. Caste based discrimination was practiced from millions of year and it still practiced in our society but it need of The time is that we should try to end this. For combat any problem at the national stage, we must start from the our family or our house in other words we can say from your own because you can't change another person until are not perfect. So firstly we try to understand by own but we can see easily that peoples are doing caste based discrimination at many points for example marriage. As many as 95% marriages take place within caste<sup>10</sup>. It is very shocking that in this era we talk about stop to caste based discrimination, gender equality, liberty, brotherhood and we still not allows someone do marriage in another caste. It is not the matter on the whole nation it is matter of two persons and if they understand then they can change a problem at nation at large. So we must understand that the people belonging to lower caste are humans and the people who belonging to the higher caste

are also humans then why caste based discrimination happened against the lower caste people. We must need to understand that caste is nothing, so we must try to stop the caste based discrimination. Second point is education. See there are many ways to implement a thing in society and all the ways are effective if they are strongly implies. Firstly state can makes laws and by that any point which state want, can impose on the people weather the laws in the favor of the people or not. People are bound to follow that laws they have no choice, people will that laws without will and after some time we will found that some unwanted result will come in that particular matter. Secondly state can make such provisions in which if the people not follow that particular laws

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<sup>10</sup> Sonalde Desai, NCAER and Unvi. of Maryland, Indian Human Development Survey Research Brief No.2

then, they will liable to pay fine as per the law. But after this we will found the n number of corruption and it is not good for economy as well to the administration, again this is not a good idea. Thirdly sate can punishments like imprisonment along fine but really can we say it is an good way to implement a policy on the people and after that sate can losses the trust in the eyes of the people of the state. So what state should do ? Should state follow the three methods ? The answer is that, that's depends on the state, whatever state want to do. But state can do one thing, state can educate the people on that particular issue. People will not follow any thing still they don't know the positives and reality. Positives in the sense that is good or not for the people and reality means that why state wants to put such types on laws on the people. So education is best method to implies such thing on the people and by telling the whole process in want to tell that, state should educate the people for stop the caste based discrimination. If people know that the act which they are doing is wrong, they stop doing that. People will know that the act is totally against the humanity, not good public order and it makes differences among the people then they stop doing that. Because in our Constitutional ideas we want a state in which all people live with happiness and without any point of dispute.



Caste system was not origin in just thousand years it is more old years and it impact at the large level to the people and the society as well. From the ancient area to the till now there is a fight is going on against the caste based discrimination which was supported many great persons as Dr. Ambedkar, Periyar, Jayotiba Phule etc.

But still there is need of reforms. Governments try to stop this but the measures which is taken by the government is not enough.