



THE SHADOW OF HIERARCHY: UNDERSTANDING DISCRIMINATION BASED ON CASTE

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Rape is a pandemic that has plagued society before people could form a society. From the ancient Indian custom of *devadasis* (Woman Servant of God who was gradually turned into a glorified prostitute) to the contemporary custom of *ianfu* (Comfort girls-sex trafficked women to please the Imperial Japanese Army during World War II), Rape is one of the most heinous crimes one could commit, an animalistic act that not only affects the victim but society at large. More often than not, rape is said to be caused by the lust of the offender. This has been proven wrong by multiple studies. One of the main causes of rape is to dominate or gain power over the victim, which is the reason why there are genocidal rapes, as seen in the Nanjing Massacre in 1937. This is just one example. Dalits are considered to be untouchables according to Later Vedic Customs and Mores, but a question often asked by Dalit women is, 'If they consider us untouchables, why does it take no time for them to touch us?'; a rough translation from a folk song. Dalit women have historically faced the brunt of three discriminating factors, i.e., being female, Dalit, and poor. According to the 2015-2016 National Family Health Survey, women from marginalized communities in India faced the highest rates of sexual violence. Specifically, about 7.3% of Dalit women face sexual violence. They also experienced a higher rate of sexual violence at 5.4% compared to women who did not belong to these marginalized groups, for whom the rate was 4.5%. These numbers highlight the disproportionate vulnerability to sexual violence faced by Dalit women. Rape is probably one of the most heinous crimes one could commit. It used to matter because it used to be seen as a trespass to one's property, i.e., women. Presently, it is considered to be a psychological, mental, and physical trespass to the very essence of being a person, a vile act of nature. As I have mentioned, it's a means to assert dominance. Why else would a person commit to an act so vicious?

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Rape is not the contention of my essay; rather is this vile urge to dominate. I must have misled you, but all aspects of rape I have discerned revolve around the inherent need to dominate. Humans, as we are, are intellectual bipeds. Why must we still conform to this system of dominance? Why the competition for the higher rank rather than harmonious cooperation? Some theorists, like Hobbs,¹ suggest; perhaps it is because of the vile nature of humans. Others like Rousseau² and Locke³ suggest it is the society and circumstances that make a monarch and not the inherent selfishness of man. If I were Hegel,⁴ I would have said that it's both the men and the situations that make such an event plausible. I'd say men desire to be powerful, the one true sovereign. Men have destroyed families to gain such, whether it is the Mahabharata or the more recent Mir Jafar of Bengal. Although I have strayed from my subject at hand, I shall avert my attention to what truly plagues me, the caste system and the injustices meted out by upper caste Hindus to those who are not equal to them.

The modern caste system was made by the Empire, which ruled the Indian Subcontinent for 180 years. An aspect of their Divide and Rule Policy was to keep the Indians from joining hands and ruining the British. While the British didn't invent the caste system, they actively shaped and reinforced it for their own administrative and social control purposes. The British did like to cherry-pick their resources and understood them without a form or a context. This was done initially in the early 19th Century by elevating selected and convenient Brahman-Sanskrit texts like the Manusmriti to canonical status; the supposed origin of caste in the Rig Veda (the most ancient religious text) was most likely added retroactively, after it was translated to English decades later. During the census of 1881, people were categorised under the title of "agricultural, artisans, menials, professionals, and vagrants". These groups were ranked according to priority, and weightage is given by the local population. In the same census, more than four hundred tribes and races were projected.⁵ Caste was thus reorganized to better suit their requirement of a Divided Indian State. In 1920, to perhaps win the Dalits over, they were declared a depressed caste by the British Raj. The Hindus dealt with the matter as they dealt with other changes, with dismay and aggression, which was bumped up after Morely Minto's reforms of the Muslim Electorates. The British had simplified one of the most complex systems in the whole of India, a system perhaps as old as civilization itself.

¹ <https://www.britannica.com/topic/Leviathan-by-Hobbes>

² Jean Jacques Rousseau 'Discourse on the Origin of Inequality' 1754

³ <https://www.britannica.com/topic/Two-Treatises-of-Government>

⁴ <https://plato.stanford.edu/entries/hegel-dialectics/>

⁵ Rimsha Javed The Caste System In India During British Raj: (1872- 1941) International Journal of Development Research Vol. 11, Issue, 12, Pp. 52678-52683, December, 2021

Yet, we can't credit the British for this injustice. Indians are largely to blame for the demise of healthy cooperation between different social classes.

It all started in the Rig Veda, in the Purusha Shukta.⁶ It was a part of the great holy book of hymns, which contained the Varna system. This hymn describes the cosmos (Purusha) from which different parts of society (Brahmin, Kshatriya, Vaishya, Shudra) are said to have originated. Brahmin at the top of the pyramid, followed by Kshatriya, Vaishya, and Shudra. It was originally a social stratification based on profession. It was a relaxed system wherein one could change their profession if one wished. It all changed in the later Vedic age, wherein the rules of Varna became stricter, and one couldn't change their caste, thereby their profession. Perhaps, the people at the top of the chain realized that to keep their power, they must make sure others couldn't achieve that power. Perhaps that is the reason why Dalits were nowhere to be found in the Vedas but everywhere in the Vedic Society. Most individuals of the lower caste were kept far from education, which was considered to be entirely the Brahmin's forte. It made it easier for the Brahmin to cement that the Varna System was divinely ordained and not a system they had changed for their benefit. Still, we can't blame the ancient Indians for what happens today. Despite legal protections in India, Dalits continue to experience multifaceted discrimination rooted in the historical caste system. This manifests as social exclusion through segregation, denial of access to public spaces, and the persistence of "untouchability" practices. Economically, Dalits face limited opportunities, wage discrimination, and vulnerability to forced labor. They are also disproportionately victims of violence and atrocities, often with inadequate legal recourse. Furthermore, they endure cultural and psychological discrimination through derogatory language and internalized oppression, with Dalit women facing compounded vulnerabilities. This pervasive discrimination underscores the significant challenges that remain in achieving true equality for Dalits in India. Visionaries like Jhalkaribai, B.R. Ambedkar, Uda Devi, and Immanuel Sekaran have worked tirelessly to bring the Dalits on par with the rest of society. Alas! Discrimination against Dalits continues to wreak havoc in India. Dalits, regardless of their gender, are raped by upperclassmen for simply being Dalit⁷, and even innocent children are subjected to inhumane treatment.⁸

⁶ https://www.stephen-knapp.com/purusha_sukta.htm

⁷ <https://timesofindia.indiatimes.com/india/dalit-woman-raped-paid-rs-2-5-lakh-to-buy-her-silence/articleshow/118794345.cms>

⁸ <https://www.ndtv.com/india-news/14-year-old-dalit-girl-tortured-gang-raped-in-ups-moradabad-one-arrested-cops-7858563>

A myriad of cases are reported in India, yet it's difficult to determine the actual number of cases. It is debilitating to know that stories and experiences are bought.⁹ Is 25 Lakhs the price of Justice in India? This is one of those cases that has been brought to light, which makes one wonder how many cases go unnoticed, where Lady Justice is blinded, silenced, and deafened, and perhaps defeated. How many citizens need to go through this immense torture before it's enough? We have had visionaries like Raja Ram Mohan Roy, Jhalkaribai, and most importantly, Dr. B. R. Ambedkar, whose ideas led to the anti-discrimination laws in India. It's enshrined in our constitution in Article 14, Article 15 (1) and Article 15(2) and Article 17. The parliament even implemented a statutory regulation called the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Despite the specific nature of the act, the crimes are underreported, police are indifferent, inadequate enquiry, delayed investigation, a low conviction rate, etc. The conviction rate for crimes can be negatively impacted by factors such as uncooperative witnesses, delayed legal proceedings, victims and witnesses losing interest due to lengthy trials, and a lack of supporting evidence.

The Protection of Abuses (PoA) Act is enforced by individual State Governments and Union Territory Administrations. The Central government provides financial aid to these entities to help implement the Act effectively. This assistance covers strengthening enforcement mechanisms, promoting inter-caste marriages, and raising public awareness. The Ministry in question (likely the Ministry of Social Justice and Empowerment) consistently urges states and union territories to fully implement the PoA Act. Key areas of focus include establishing dedicated special courts for quick trials, educating investigating officers, conducting widespread awareness campaigns, and reviewing cases that result in acquittals. The Ministry of Home Affairs also advises these administrations on measures to better protect Scheduled Castes (SCs) and Scheduled Tribes (STs). Furthermore, a committee formed in 2006, chaired by the Union Minister for Social Justice & Empowerment, regularly reviews the Act's implementation across states and union territories. This committee has held 21 meetings to date, scrutinizing the Act's application in 24 states and 4 union territories.¹⁰

Despite all the present rules and regulations in place, Dalits have continued to be mistreated throughout several areas in India. Moreover, in *Khuman Singh v. State of Madhya Pradesh*¹¹,

⁹ <https://timesofindia.indiatimes.com/india/dalit-woman-raped-paid-rs-2-5-lakh-to-buy-her-silence/articleshow/118794345.cms>

¹⁰ This information was shared by Shri Vijay Sampla, the Minister of State for Social Justice and empowerment, in a written response to a question in the Lok Sabha

¹¹ <https://updates.manupatra.com/roundup/contentsummary.aspx?iid=23355>

the Supreme Court has further weakened the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, where the court held that there was "nothing to suggest" the offence was committed only because the victim belonged to a Scheduled Caste. This sets a high threshold of proof for caste-based motivation, potentially undermining the protective intent of the SC/ST Act. In many caste-related incidents, explicit proof of motivation is rare, as caste discrimination operates subtly and structurally. This interpretation may make it harder to secure convictions under the SC/ST Act, even when the victim is from a vulnerable community and the accused is from a dominant group. Humanly, we cannot remove caste based discrimination in an absolute manner. But we can significantly reduce it.

We start as early as elementary schooling, wherein students are given sensitivity training and other educational information about the history of Dalits and the social mistreatment accorded to them throughout the years. This would bring about empathy in the eyes of students. Joint activities with students of different caste backgrounds would encourage cooperation and familial bonding. This would create a new generation of people who understand the social plight of the Dalits and want to live in harmony with all. Any educators exhibiting casteist behaviour would face a heavy enquiry and, if found guilty, would be expelled. Drives should be conducted by the appropriate government in collaboration with an NGO which had experience in this matter. These drives should be especially conducted in caste discrimination-prone areas like Haryana, Uttar Pradesh, Bihar, etc, and also in small towns and villages. Just as a small snowball, released on a snowy slope, will begin to roll, collecting more snow and expanding into a larger mass, any form of passive casteist behaviour must be nipped in the bud.

Reservation, albeit needed, is still considered a vote bank tactic or an unfair privilege given to the 'creamy layer' by the upper caste. The system of reservation must be re-evaluated by a committee led by a member of Dalits and a knowledgeable member from each of the underprivileged classes in India. The report must be based on the number of disadvantaged classes to the percentage of seats accorded to them. This would provide a more uniform and just system of reservation based on statistics and demographics. Laws should be made more specific and stricter. Nuances of caste-based discrimination should be understood before awarding any form of punishment. This would help judges to award proper punishment and damages. The shadow of hierarchy cast by the caste system has long obscured the light of equality and justice for millions. As we have explored, its deep-rooted social, economic, and

psychological impacts continue to manifest in various forms, despite legal prohibitions. However, the ongoing struggles and the persistent voices advocating for change offer a beacon of hope. True progress lies not just in dismantling discriminatory structures, but in fostering a societal consciousness where human dignity transcends all artificial divisions, paving the way for a future truly free from the spectre of caste.