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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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THE REALITY OF CASTE VIOLENCE AND DISCRIMINATION IN INDIA

AUTHORED BY: MISKA. SWETCHCHA, BA.L.L.B (HONS)

INTRODUCTION

Before Independence and after Independence still now there were violence happening against lowcaste people and discrimination. Even after independence also I mean to say that after so many acts which are enacted against these violence and discrimination like Sc/ St atrocities act, 1989 and Reservations that was mentioned very honor of Indian Constitution under Article 16. So even though these discriminations and Violence are still continuing even people are more educated. Still people even they are educated they were treating these lower caste people as like an Untouchability but in the Article 17 of the Indian constitution explain about abolition of Untouchability. But It was limited book only no one was following. Mainly on Dalits these violence are increasing rather than other caste people mainly in urban areas even while they were shouting each they will discriminate with name of the caste so it is consider as a discrimination of caste. So here we know about the when these caste system came into existence, how these caste system differentiated.

So now we know about what was history behind these caste based violence and discrimination In Manu Script that was written on 5th Century BCE as per sources before constitution came into existence in India people were followed as per this Manuscript. But in Manu script explained about caste system:

- Brahmin's are came out from Brahma's head so their work is limited to priests and teachers.
- Kshatryia's are came out from Brahma's shoulders so their work is limited to warriors and rulers.
- Vaishyas are came out from brahma's thigh so their work is limited to farmers, traders, merchants
- Shudras are came out from brahma's foot so there are considered as a labourers and there work is to do as a pottery work.
- Dalit's are considered under the Shudra caste and their were are out of the village.

The role of Dalits in before Independence as per Manuscript there were live in out of the village their work was as a manual scavengers, garbage collectors and sweepers of roads these works would be done by dalit's before Independence. while they were enter into village they have must wear and tie pot to the mouth because they dint have to split on the road and while they were walkin on the road they have to tie palm groom to the backside to sweep their foot prints. This was the position of a Dalit before Independence. Treating of a dalit people was changed from before independence to now it means that now dalit people not wearing these pot and palm groom but the way of discrimination has changed and the violence has also changed. But till now in some areas other caste people means higher caste people treating the Dalits like before independence some people caste people it means in Dalits living out of the village.

In the history one of the historical incident was happened it was considered as a one of the big moment in the year of 1st January 1818. i.e. **Bhima Koreagon Battle**. In India, the January 1, 1818, battle of Bhima Koreagon is significant in history. ¹The Peshwa side of the Maratha Confederacy, commanded by Baji Rao II, the Peshwa emperor, opposed the British East India Company. The conflict happened close to the Indian village of Bhima Koreagon, which is now part of Maharashtra. The British forces' triumph over the Peshwa army was largely due to the presence of Mahar Dalits and other soldiers from lower castes. ²The bravery displayed by these Dalit troops, who sided with the British and battled against the upper-caste dominance within the Maratha army, is often recalled from this conflict. Bhima Koreagon has taken on symbolic importance in modern times as a center of Dalit pride and opposition to caste discrimination. Thousands of Dalit people visit the place every year on January 1st to honor the valor of their ancestors in remembrance of the war. But during these celebrations, tensions and disputes have often surfaced, reflecting larger social problems with caste relations and historical interpretation.

After Independence also the same discrimination and violence against dalits were contuining it means that even Ambedkar who was the main reason for including Reservations for Sc/St and Bccaste people it means they were considering as a minority caste. he also face the discrimination because of he also belong to the dalit community.³ So he decided that other people who belong to the same community

¹ Surjit Mansingh (2006). Historical Dictionary of India

² Kumbhojkar, S. (2012). Contesting Power, Contesting Memories. Economic and Political Weekly, 104.

³ [Sen, D. \(2020, May 16\). On the History and Memory of the Battle of Koreagon. Retrieved from The Wire](#)

not face these discrimination so when these untouchabilities remove when he was in great position then he can do any thing for his community so then he got an opportunity to one of the member of drafting committee. So before member of the drafting committee all freedom fighters are fought for their particular communities but no one was thinking about the dalit communities. On behalf of dalit community Ambedkar was standing with them and mainly.

I was here to mention about Ambedkar is not against Hindus but he was against about Hinduism because here it was there is a reason why he was against Hinduism. ⁴Because in this Hinduism they were differentiated the caste system and mainly in Manuscript that which caste and what they work have to do mentioned and in this Hinduism only how these dalit people were treated and if they listen the Vedas or they want eager to learn the Vedas Brahmins has to punish them with wearing the borax metal which was used in gold melting they have pour in the ear while they listen the Vedas and when they try to learn upper caste people it means Brahmins cut their tongue these are the punishments was given by upper caste people to the untouchability people these were mentioned in Manu Script and discrimination of Women and Women also not eligible to study she was limited to home only these are the conditions and superstitious beliefs are also mainly there in these Hinduism and mainly till now Dalits are not allowed to some of the particular temples. So these are the reasons Ambedkar is against to Hinduism.

While he was in drafting committee so he was used to introduce Reservation System in the Indian Constitution till when these untouchability remove when these discrimination removes when there is no caste system till then these reservations were applicable but Mahatma Gandhi was not accepted these Reservation that is **“POONA PACT”** that was happened in the year of 1932 it was an agreement between Hindu Leaders and Ambedkar about new rights to dalits. ⁵But still through Ambedkar who fought for new rights for dalits at last the particular community got the new rights. But people remember Ambedkar as a like he was introduced reservations and he wrote the Indian Constitution but any one do not know about how he fought for these rights. ⁶He burnt the book of

⁴ [Teltumbde, A. \(2018, January 2\). The Myth of Bhima Koregaon Reinforces the Identities It Seeks to Transcend. Retrieved from The Wire](#)

⁵ Ambedkar, B. R. "Poona Pact: Speech at Yeola, 13 October 1935." Dr. Babasaheb Ambedkar Writings and Speeches, Volume 5, Government of Maharashtra, 1990.

⁶ Brass, Paul R. "The Politics of India since Independence." Cambridge University Press, 1990.

Manu Script on December 25th, 1927 it was called as a 'Mahad Satyagraha' this was done to protest against the religious details that advocate untouchability against the lowerclasses.

After Constitution came into force it means before the Sc/St atrocities act, 1989 came into force two main incidents happened against the Dalit community in the state of Andhra Pradesh. After this incident in Andhra Pradesh this was impact on Whole over India so after this Incidents Sc/St (prevention of Atrocities) Act, 1989 was enacted after this special courts was established. The first incident was **Karamchedu massacre** refers to an incident that happened on July 17, 1985, in Karamchedu, Bapatla district, Andhra Pradesh.⁷ Six Madigas (Dalits) were killed and numerous more suffered severe injuries as a result of Kamma landlords' cruelty toward the Madigas. There was rape of three Madiga women. After their homes were set on fire and pillaged, hundreds of Madigas in the community were forced to leave their homes. Here the Kamma land lords' is Daggupaati Chenchu Ramayya who is a relative to Ex C.M N.T.Rama Rao so A Kammakid was cleaning his buffalo on July 16, 1985, when he spilled the filthy water into a water tank that the Dalits used to draw their drinking water from. When a Madiga lad objected to this, the Kamma boy became enraged and thrashed the former severely with his cow whip.⁸ In addition, a Madiga girl who went to get water was booted and lashed for objecting to the abuse. An elderly Dalit then intervened and attempted to diffuse the tension after she used her vessel in retaliation. The Kamma youngster gave a warning and then departed the area.

The Kammas decided to "teach them a lesson" by organizing a coordinated attack against the village's Madigas in response to this incident. They sent a team seeking a compromise, which was approved by certain Madigas, in an attempt to surprise the Madigas. And on July 17, hundreds of Kammas, equipped with clubs, spears, and axes, unexpectedly attacked the Madiga wada (village), causing damage to every part of it, including pregnant ladies and mothers of little children.⁹ They set fire to the Dalits' homes while torturing and pursuing them. Here Social activist who supported the dalits and filed a case against the Kamma land lords mainly against the Chenchu Ramayya but the courts did not give any justice for the dalit community so here the communist party means Naxals were supported the dalits and one day they killed the chenchu Ramayya. Naxals is not harmful to the society they are

⁷ "India Untouched: The Forgotten Face of Rural Poverty" by S. Anand.

⁸ "State, Civil Society, and Dalit Mobilization: A Study of Andhra Pradesh" by Surinder S. Jodhka

⁹ "Dalits and the State in Modern India" by Ghanshyam Shah.

living for the who are discriminating and who are facing violence by the society and fought for them.

The **Tsundur massacre** is a tragic event in Indian history that took place on August 6, 1991 in the village of Tsundur in the Guntur district of Andhra Pradesh.¹⁰ The incident involved the brutal killing of several Dalits by members of the Reddy community, allegedly with the support of the local police force. The root cause of the killing was a clash that followed when a Dalit youth had just graduated from school. was attacked his feet accidentally touched a woman from the Reddy community near the cinema. In response to this attack, the Dalits of the village rallied behind the victim, causing increased tensions between the Dalits and the Reddys, who were wealthy landowners in the area. After this incident, the Reddy landowners launched a social boycott. against the dalit community. This boycott had serious consequences for the Dalits, many of whom depended on the daily wages earned by working in the rice fields owned by the Reddys. The economic fallout from the boycott deprived some Dalit families of their livelihood, adding to their already marginalized position in the village.

The significance of the Tsundur massacre lies in the collective response of the Dalit community in seeking justice for the atrocities committed against them. In their quest for justice, Dalits relied on the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, popularly known as the SC/ST Act. The Government of India enacted this law to protect marginalized communities, including Dalits, and to prevent atrocities against them. The reliance on the SC/ST Act was a turning point in the struggle for Dalit rights as it demonstrated the community's determination to hold perpetrators of violence and discrimination accountable under the law. Seeking legal remedies, Dalits challenged the entrenched power structures that perpetuated caste-based oppression and violence in Indian society. The Tsundur massacre therefore serves as a stark reminder of the deep-rooted caste-based discrimination and violence that still plagues India. Society. It highlights the constant struggle of marginalized communities like Dalits for equal rights, dignity and justice. In addition, the legal battle that followed the massacre highlights the importance of legislative action in combating systemic injustice and holding perpetrators accountable for their actions.

These two incidents was changed the laws then introduced these atrocity acts in India. So people who are supporting these caste people who are fought for the removing these discriminations and to stop

¹⁰ Human Rights Watch. "Broken People: Caste Violence Against India's 'Untouchables'"

these violence but the government and political parties who are in upper caste filing cases against these social activists like the case names UAPA (Unlawful Activities Prevention Act) and NIA cases against them. so in India when any people who are support these lower caste people for that people also the upper caste people are treating like a big wrong.

Example: A is a person who fought for the Sc people who are facing these discriminations and facing violence so since 20 years on words he was helping so recently the case was filed against him because he was relation with naxals but not the main point the main point was he was supporting Sc and St people and fought for their rights . so this is the situation of a social activist in India.

In **Subhash Kashinath Mahajan v/s State of Maharashtra (March 2018)**, SC said that The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act) which provided punishment for atrocities against these people. SCs and STs abused commoners (eg making false claims/accusations). The Scrutiny Committee, therefore, laid down the following conditions to be satisfied before a suit can be instituted under this Act to mitigate its strict effect.

Parliament introduced Sec. Article 18A of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018. In this Act: No preliminary investigation is required for registration of a first information report against a person; or investigating authority shall not, if necessary, require consent to the arrest of a person charged with an offense under this Act and shall not apply anything other than this Act or the procedure provided for in the Act. " to consider. statement of this judgment of Subhash Kashinath and amended it by inserting section 18A.

Swaran Singh and Anr. v. State through Standing Counsel and Anr.

(2008) 8 SCC 435

In this case the complainant alleged in the FIR that the complainants 2 and 3 insulted him by his caste name (calling him "chamar") when he was standing near the car parked at the gate of the premises. . The Supreme Court found that it is a place under public visibility and would constitute cruelty according to section 3(1) (x) of the law, because the gate of the house is certainly a publicly visible place. He said that even if the remark is made in a building but some members of the public are present

(not just relatives or friends), it would also be an insult because it is public. The court found that the expression "public place" should not be confused with the expression "public place". A place can be private but still public. The court found the use of the word "chamar" offensive, insulting and demeaning. He said that while construing Section 3(1)(x) of the Act, we have to see the object for which the Act was enacted to prevent humiliation, humiliation and harassment of members of the SC/ST community. We must consider the common meaning of the word 'chamar' derived from usage, not the etymological meaning which would be against the object of the law and thus would not be the correct interpretation.

People who are fighting for removing discrimination and violence and against Sc/St the social activists are also in the jail on the cause different cases filing on them on the name Bhima Koregaon incident. More than five years after caste-based violence in Pune led to the arrest of 16 leading activists, lawyers, academics and artists and a prolonged investigation into an alleged conspiracy to incite inter-communal violence, the Supreme Court today granted bail to two individuals. Activists Vernon Gonsalves and Arun Ferreira. The militants, notoriously known as BK-16, were charged under the Unlawful Suppression of Activities (UAPA) for alleged links with banned Maoist groups and involvement in a plot to assassinate Prime Minister Narendra Modi. Some died in custody and others were released on bail, but the accused remain imprisoned under repressive laws with no hope of release.

People who are fighting for the violence against Sc people their situation was worst because in these cases it was a non-bailable offence. The upper caste people are stopping to raise voice who are talking to stop these violence and discrimination because we are in 21st century and all are equal because all are educated people and all have to follow as per Indian Constitution. All are equal before law so no more discrimination against these lower caste people. In any political government there is no improvement in people who are doing violence against these lower caste people there are not taking certain action against them even courts also not giving a good justice. Our Ex President Ram Nath Kovindh who was 2nd Dalit President in India and we called as a 1st citizen of India he was also not allowed to temple because of he is a Dalit. Through this situation while we examine how these caste system impact because he is not an ordinary person based on caste he is considered as an untouchable person so as we think what other common persons who born in these caste what are their situation even these caste person having Reservations they always discriminated by other persons

by the name of caste . Even when that caste person when searching home owner will definitely asks about what caste you are? So this is the situation of present in India. Ambedkar always says one thing **“Even If u go any wherein India Caste will follows u”**

CONCLUSION AND MY OPINION

So the first step to regarding discrimination and violence against SC (Dalits) is a caste system so in the Manu Script mainly mentioned about Caste system and how the untouchables live and what their work so through not follows the Manu script half of the discrimination removes and through removing the Hinduism not Hindu Religion but Ism through removing these Ism lower caste people can enter into temples and mainly people think that and believe that all are equal and all blood is red because lower caste people blood is not other color and through removing these differentiated caste system Dalits are not to face these discrimination and coming to violence against these community people when acts and laws are strict so no other caste people ready to do violence against them and make punishments are so strict and for these people.

Even the courts not giving the right justice because they depend on what upper caste said is right so the court must have to give the right justice. People who are fought for these untouchables government has to remove these against them under these Bhima Koregaon Case and UAPA. Discrimination and violence against Dalits in India are deeply troubling and completely unacceptable. Dalits face various forms of discrimination and oppression based on their caste, including social exclusion, economic exploitation, and physical violence. These injustices violate the principles of equality and human dignity. As we compare to other countries there is no caste system and there is no discrimination. As we get independence and we are still in a developing country one of the causes is this discrimination between caste and these violence there is no equality between people at least the other caste people means upper caste people even they did not consider these lower caste persons as humans.

Addressing caste-based discrimination requires concerted efforts from all sectors of society, including government, civil society organizations, and communities themselves. Legal frameworks designed to protect Dalits must be effectively implemented, and educational and economic opportunities should be expanded to empower Dalit communities. In addition, social attitudes and cultural practices that

support caste-based discrimination must be challenged and changed. Education, awareness campaigns and advocacy play an important role in changing mindsets and promoting a more inclusive and just society. Finally, achieving true equality and justice for Dalits requires sustained efforts to dismantle the caste system and ensure the treatment of all people. dignity, respect and due process equal rights.

