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## Human rights violations with special reference to caste-based discrimination

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**Abstract:** Discrimination means an unjust or prejudicial treatment of different categories of people, on the ground of race, caste, sex, or nationality. Article 7 of the UDHR talks about equality before the law and equal protection of the law without any discrimination. The prohibition of discrimination is stated in Article 15 of the Indian Constitution. Caste-based discrimination is regarded as a violation of human rights. To prevent all of these infractions of human rights, India has various laws. In spite of that, it continues to affect a large number of people. In India, the practice of the caste system dates back a thousand years, when a person's caste was determined by their line of work. Later, this practice resulted in severe violations of human rights such as untouchability, social marginalisation, and denial of basic rights. This paper will discuss the caste-based discrimination that led to a violation of human rights.

**Keywords:** discrimination; prejudice; UDHR; caste; violation; human rights.

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### 1 Caste discrimination in India

In the past, a person's caste was established by the profession of the family to which they belonged. Caste discrimination is a sensitive issue in India. Despite constitutional protections and specific laws, there is a significant increase in infractions. Important issues include violence against SC/ST individuals, criminality against women, child labour, slavery, educational inequality, workplace harassment, untouchability, etc. The perception of caste prestige, caste endogamy, the effects of urbanisation, the expansion of communication options, illiteracy, adherence to religious orthodoxy, and social isolation are major contributors to caste discrimination. So, even in today's culture, privilege and self-esteem are greatly influenced by caste. The system of Varna, which divides society into four groups, is one theory that has been used to explain the genesis of the Indian

caste system. The rights determined by birth are fixed and hereditary under the caste system. According to the Rig Veda, the Gods sacrificed the primordial Purusha in order to build the Varna system.

## **2 Violence against women by the name of caste**

The caste system is a long-standing phenomenon that causes sexual assaults on Dalit women. These assaults have become more frequent and are still prevalent throughout most of India. Caste and gender-based inequality affects women, some women from the Dalit community are raped in numerous places to demonstrate the society's animosity, which causes the women to face a variety of problems related to the caste into which they were born. According to National Crime Bureau figures, "6 Dalit women are raped daily."<sup>3</sup>

## **3 International provisions against caste discrimination**

The division of society into caste runs contrary to the belief stated under Article 1 of the Universal Declaration of Human Rights which states – "All human beings are born free and equal in dignity and rights".<sup>4</sup> Article 2 of the UDHR says the rights and freedoms of all human beings without any discrimination. Caste violations involve the gross violation of civil, political, economical, social, and cultural rights which are mentioned under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. On January 4, 1969, the United Nations organisations adopted the Convention on All Forms of Racial Discrimination after debating the need to eradicate racial discrimination.

## **4 National framework on caste discrimination**

In many regions of India, caste discrimination and social isolation continue to harm Dalits and other populations of people. Untouchability is prohibited by Article 14 of the Indian Constitution, and Article 35(a)(ii)<sup>5</sup> The Indian Constitution gives the Indian Parliament the power to enact sanctions for the infraction outlined in Section A-17 of the Constitution. The provisions for the Right against exploitation are laid out in Articles 23 and 24 of the Constitution. The "promotion of the educational and economic interest of the Scheduled caste, Scheduled tribes and other weaker sections" is mentioned in Article 46 of the Constitution. According to Article 47, the state government is obligated to defend against social injustices committed against SC, ST, and other members of the weaker sections of society. A person who commits an offence that prevents a person from accessing a temple or fetching water from a well will be punished under the Untouchability Offences Act of 1955. The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, passed by the Indian Government in 1989, recognises the numerous types of crimes and violations that are committed against the members of the scheduled caste and scheduled tribes by members of other communities. The act also stipulates that the offences that fall under its purview would be tried in a special court at

the district level. All Indian people are guaranteed equal rights under the Indian Civil Rights Act, 1955.

The National Commission for Scheduled Caste and Scheduled Tribes was established in accordance with Article 338 of the Constitution in order to monitor, investigate, and defend the constitutionally guaranteed rights. A chairperson of the National Commission for SC and ST is appointed as an ex-officio member of the National Human Rights Commission, which is a statutory entity formed under The Protection of Human Rights Act, 1993, to address the human rights breaches committed against them.

## **5 Incidents against scheduled caste and scheduled tribe people**

Despite the fact that numerous laws were passed to prevent crimes involving caste prejudice, many transgressions continue to affect members of the scheduled castes and scheduled tribes. A 23-year-old man was assaulted in Uttarakhand state in 2019 by upper-class people for eating at a wedding celebration in front of them, and he eventually died from his injuries. In Dharmapuri District, communal violence was happened in December 2012 against the Adi-Dravidar Dalits living close to Naikkankottai in Dharmapuri District. The Hindu Munnani Union secretary and three of his members are accused of gang-raping a 17-year-old minor Dalit girl in the Ariyalur Gang Rape Case.<sup>6</sup> The accused was enraged with the victim because she insisted, he marry her after she became pregnant with him. The Rohit Vemula<sup>7</sup> suicide at Central University in Hyderabad in 2016 served as a stark reminder that the caste system pervades even in educational institutions.

A 26-year-old Muslim woman doctor from a scheduled tribe allegedly committed suicide after being ragged by three upper-class female doctors. A Dalit girl was gang-raped by four Thakur men in the Hathras area of Uttar Pradesh in September 2020.<sup>8</sup> The victim's family claimed that the crime suspects shattered the victim's backbone and sliced her tongue to obliterate the evidence. The victim herself admitted the crime in the video shot at the hospital. Even today, many Dalit women are victims of rape committed by higher-class individuals as a sign of their animosity for caste inequality.

In an incident at the Kanchanatham Temple in Tamil Nadu's Sivagangai District on May 28, 2018<sup>9</sup>, two Dalits were killed and six others were hurt. In addition to a Dalit guy sitting cross-legged in front of the upper-class men, the Dalits for not providing temple honour for the upper-class family. The same day, about 9.30 P.M., a gang of 15 armed men attacked the Dalit villagers with great brutality. Indra Kumar Meghwal, age 9, allegedly died as a result of the teacher beating him up for touching the water pot reserved for upper-class individuals.

## **6 Caste discrimination a gross human right violation**

The caste stigmatisation starts from birth till death, and thereby affecting all forms of rights like education, work, housing, political participation, etc. Discrimination based on caste targets the entire group of people, not just one particular person. Every human being has the right to basic dignity under the law, which speaks to equality. For those belonging to scheduled castes and scheduled tribes, however, the ability to live a dignified life is seriously in doubt. The right to dignified life is also a fundamental right enshrined under

the Constitution. These people are starting to experience caste prejudice in a variety of settings, including businesses and educational institutions. The United Nations General Assembly adopted the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights in order to advance and defend human rights against flagrant human rights violations, in addition to the municipal laws, the Indian Government has also adopted the international covenants and treaties which talks about the discrimination. Caste prejudice is a serious infringement of human rights that needs to be eradicated from society. Caste-based discrimination prevents members of a certain community from entering the fields of education and employment. In order to avoid facing discrimination, many people keep their community a secret from others.

## **7 Conclusions**

The government, as well as the United Nations and its specialised agencies, works to prevent human rights violations by enacting laws, treaties, and regulations that are intended to protect vulnerable individuals. We are still trailing behind the previous system of caste and communal prejudice. Caste discrimination has not altered despite our changing culture and adoption of a new way of life. With the aid of reservation, which is protected by the Constitution, the laws and regulations encouraged the people to step forward and remove all obstacles in order to advance their economic, social and cultural status. However, some individuals forbid them from lowering their expectations and still want them to be slaves and economically backward individuals. Human rights can only be realised if people's attitudes toward them have changed. People's behaviour and ideologies must need to be changed. People should be properly educated on equality and other people's rights. To achieve this goal awareness of human rights needs to be created among the public.

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## Notes

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