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**UNDERSTANDING CASTE-BASED VIOLENCE AND HATE CRIMES IN
INDIA**- Abhishek Ramanuj & Chhavi¹**Abstract**

Caste-based violence and hate crimes in India are pressing issues impacting the nation's social fabric. This paper aims to provide a comprehensive understanding of the caste system in India, the problems it presents, and the various types of caste-based violence that ensue. It also examines the legal frameworks to address caste-based violence, the challenges in eliminating it, and the repercussions on victims and society. Additionally, the paper explores strategies to combat this issue, including the roles of civil society and NGOs, prevention and education programs, and government policies and interventions. The significance of the judiciary and judicial precedents, compensation for victims, and the need for legal reforms and policy interventions are also discussed. Furthermore, a statistical analysis of caste-based violence is provided, along with examining high-profile cases. The paper concludes by emphasising the need for concerted efforts to eradicate caste-based violence and foster an inclusive society that promotes equality and social justice.

Key Words

Caste-Based Violence; Hate Crimes; Caste Discrimination; Role of Society.

Introduction

A caste system is a hierarchical classification of people according to their social standing and line of employment. The caste-based societal segregation feature of Indian society's history and culture distinguishes this vast and diverse nation. A person's caste can be used to identify them and to determine their social standing in Indian culture.

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The Indian caste system states that karma and dharma are the two main determinants of caste formation. Typically, "lower caste" people are seen as inferior and "upper caste" persons as superior. Since the beginning of time, India's caste system has led to blatant discrimination against individuals considered to be of the "lower caste."

The arrangement gave the upper castes great privileges while allowing privileged organisations to suppress the lower castes. Even though it was constantly criticised for being unjust and outdated, it mainly remained unchanged for years, trapping people in rigid social structures from which they could not break free.

The Dalits, who experience the most discrimination and are even referred to as "untouchables," are in worse circumstances under this system of inequality. Dalit protection laws are either not enforced at all or barely partially in several regions of India. Their untouchability is most common in rural areas, where 80% of the country's population resides and where Hinduism's fundamental is most popular. "Untouchable" refers to the more than 160 million Indians who suffer humiliation due to their birth into a caste system that views them as dirty and beneath human dignity.

Understanding the Caste System in India

- Caste is derived from the Portuguese term "casta," which denotes a breed, race, or kind. In India, Caste System has been present for 3,000 years. India's caste system is the world's oldest surviving social stratification. Caste is our parent's caste will determine hereditary-our caste, and our caste will select our children's caste. To which caste we belong is decided at the time of our birth and cannot be changed even if a person's occupation, wealth or level of education changes.
- In Hinduism, there were two concepts of the caste system, which were **Varna** and **Jati**. The purpose of the **varna system** is to distribute responsibilities among people. It means race, species, kind, nature or colour of an object or people. It first appeared in the Rigveda. The varna system is divided into four classes: Brahmins- priestly people; Kshatriyas- administrators and warriors; Vaishyas- artisans, merchants or farmers and **Shudras**- labouring classes. It is believed that the four varnas sprang from various parts of the body of the primordial man, which Brahma created from clay. Jati means Birth. There were thousands of Jatis. It exists in Hindus, Muslims, Christians and Tribal people.

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- According to **Chapter 18, Verse 41** of the **Bhagavad Gita**, The duties of the Brahmins, Kshatriyas, Vaishyas, and Shudras—are distributed according to their qualities, by their guṇas (and not by birth). But today, a person’s caste is decided at the time of their delivery. This caste system was not prevalent before the 18th century. New research shows that the caste system became more prevalent when the Britishers started ruling India.
- Caste System is present in Hinduism and related to the Culture of India. In Muslims, a low caste system is current. They were divided into three classes: Ashrafs- nobles who trace ancestry from the Arab peninsula or Central Asia or are converts of upper caste Hindu. **Ajlafs**- Commoners or lower caste Hindu converts. **Arzals**- Despicable or Dalid converts.

Problems faced due to Caste System in India

- The caste system in India hinders the national unity of our country. The people of the country discriminate based on their caste. Sometimes caste becomes more vital to them than national unity.
- The caste system in India is hierarchical, which means people cannot migrate from lower caste to upper caste even if they work hard and achieve a higher status in society. They will also be recognised by their caste and not by their achievements. This undermines their ability and discourages the people from lower castes from working hard, as whatever they will do or achieve; they have to go through the same discrimination.
- Sometimes the people of the lower castes get converted to Islam or Christianity, thinking they will not have to face the same discrimination in these religions. This increases the population of Islamic and Christian people. But this is not the case. The caste system is also present in Islam, and the people who were converted from lower caste or Dalit Hindus become Ajlafs or Arzals in Islam and face similar discrimination.
- The Caste System also encouraged a false sense of prestige among the higher caste people, and they started to think they were superior and everyone was below them. This leads to untouchability and encourages the lower caste to engage in their traditional work as they face discrimination in Schools, Colleges, Offices, etc. They face discrimination at that level that sometimes it becomes impossible for them to attend school, college, or work.

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- Caste also plays a vital role in marriages. People believe that their son or daughter should not be married to a lower caste family, which will undermine their prestige and status in society. Even though many laws were made that allow inter-caste marriage, it isn't easy to make the families understand as it is a traditional notion and cannot be changed easily.
- The worst situation is for lower caste women who face the most difficulty. We know the condition of Women in India is not so good, and if they belong to a lower caste, their situation worsens.
- According to NCRB Data, in 2020, there were 50,291 cases of crimes against SCs which increased to 50,900 in 2021. In these, Madhya Pradesh and Rajasthan have the highest number of issues.

Since these issues contribute to caste-based violence, it is crucial to examine them thoroughly.

Types of Crimes against the lower cast

A. They have only to perform manual labour or dirty work

- a. People from "lower castes" were mainly restricted to performing menial or dirty jobs like sweeping, scavenging, and disposing of dead animals. They are expected to transport loads of human waste and clean sewage and were either paid much less. The cruel practice persists despite being outlawed by the Prohibition of Employment of Manual Scavengers Act, 2013. Approximately 42,594 manual scavengers are SCs, 421 are ST, 431 are OBCs, and 97% of manual scavengers are Dalits as per the official statistics.

B. Vulnerable condition of Women and Girls

- a. Women and girls are especially vulnerable to violence based on caste as they experience more inequality and violence, particularly sexual abuse, trafficking, and early forced marriages.
- b. In India, 16% of the female population are Dalit, and they are at a higher risk of gender and caste-based violence. According to a report from the National Crime Records Bureau of India, a minimum of 10 Dalit women were raped daily. In the last ten years, their vulnerability to rape has even increased by 44%.
- c. The Hathras rape case also highlighted the vulnerability of lower-caste women in India. In this case, a 19-year-old woman was gang raped by four upper-caste

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men. The woman died after two weeks in a New Delhi Hospital. The police cremated her at night without her family's consent, but the government denies all these claims. Several cases highlight these, but what happened in this case or any other case is not the main point of concern here; the main problem is why this happened. And why despite various laws or legislations, the police cannot protect these women.

C. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is unable to eliminate atrocities fully

- a. The Indian Parliament passed this law to stop crimes against Dalits from being committed, uphold the rights of other oppressed castes, and provide aid to those harmed by such horrible caste-based violence. The Indian Judiciary has, however, undermined the current standing of the act in **Khuman Singh v. State of Madhya Pradesh**.
- b. The punishment for an act of violence committed against a member of a scheduled caste or scheduled tribe under the Indian Penal Code is outlined in **Section 3(2)(v)** of this Act. However, the Supreme Court ruled in this case that the victim must have been a member of a scheduled caste or scheduled tribe for the punishment to be given. As a result, the burden of proof now rests with the prosecution to show the court that the crime was only committed because the victim was a member of a scheduled caste.

D. Judiciary's Attitude towards the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act

- a. The Prevention of Atrocities Act, 1989 should not result in the perpetuation of casteism, which might hurt society's integration, the Supreme Court said in a case in March 2018. This type of judicial comment demonstrates how the judiciary fails to recognise the prevalence of caste-based violence in the nation. The courts should not make statements of this nature that hurt not only members of lower castes but also the integrity of the entire country.

E. Most of them lacked formal education

- a. Most Dalit and Adivasi undertrials are uneducated and impoverished, in addition to the various structural and procedural difficulties. Most are either ignorant of

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the law's provisions, unable to access them (such as bail or sureties), or too impoverished to organise personal bonds or sureties from others to secure bail.

Legal Frameworks Addressing Caste-based Violence

The Constitution has several provisions intended to prevent caste-based violence. In addition, several other laws were also introduced to address this problem.

A. Constitution of India

- **Article 17** abolished untouchability and made its practice a punishable offence.
- **Article 35(a) (ii)** gives parliament the power to make penal laws for the offences mentioned in Article 17.
- According to **Article 15** of the Indian Constitution, no citizen may be subjected to discrimination by the State solely based on their religion, race, caste, sex, or place of birth.
- **Article 16** of the Constitution of India states that there shall be equality of opportunity for all citizens in employment matters under the State. No citizen may be denied the opportunity to hold any position under the State solely based on one religion, race, caste, sex, lineage, or place of birth.
- According to **Article 46**, the government must "promote with special consideration the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation."
- According to **Articles 330 and 332** of the Constitution, seats are reserved for the Scheduled Castes and Scheduled Tribes in the House of the People and the State legislative assemblies, respectively.
- Reservation for SC and ST in local governments has been envisioned and made available under **Part IX** of the Constitution, which deals with Panchayats, and **Part IXA**, which deals with Municipalities.

B. Constitution (Scheduled Castes) Order of 1950

- To overcome the societal disadvantage brought on by the practice of untouchability, it initially called for only Hindus to be recognised as SCs.
- Later on, in 1956, this decree was changed to include Dalits who had converted to Sikhism, and in 1990, it was altered to fit Dalits who had converted to Buddhism. These two changes were based on the High-Powered Panel (HPP)

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reports on Minorities, Scheduled Castes, and Scheduled Tribes in 1983 and the Kaka Kalelkar Commission in 1955.

- The Supreme Court is hearing many petitions now seeking the inclusion of Dalit Christians and Muslims as Scheduled Castes.

C. Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

- Since **December 6, 2013**, manual scavenging is not allowed throughout India. As of the previous date, no organisation may hire anyone for manual scavenging. According to **Section 8²** of the Act above, anyone or any organisation that employs someone for manual scavenging in violation of the MS Act 2013 is subject to a *fine or imprisonment of up to two years*, or both, as determined by the court.

D. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

- An Act to Prevent the commission of Atrocities Against Members of the Scheduled Castes and Scheduled Tribes, to Provide for Special Courts for the Trial of Such Offences, the Relief and Rehabilitation of the Victims of Such Offences and Matters Connected or Incidental to it.
- Important features of the act:
 - The Act is the primary legislation intended to stop crimes against Scheduled Castes and Scheduled Tribes from happening.
 - The Act mandates the establishment of Special Courts and Exclusive Special Courts to try those accused of committing such atrocities, which is provided in **Chapter 4** of the Act.
 - Every State Government must designate or appoint a Special Public Prosecutor for each Special Court to conduct proceedings in the Court, as per **Section 15³** of the Act.
 - Officers are empowered to ensure the Act is appropriately executed and funds are granted for their cost-free rehabilitation, travel, and maintenance expenditures.

²Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

³The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

- The Act includes new offences not covered by the Protection of Civil Rights Act of 1955 nor the Indian Penal Code of 1860.
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 provides rules for relief and rehabilitation norms for the affected communities.

E. The Protection of Civil Rights Act, 1955

- It provides penalties for preventing a person from entering a place of worship or taking water from the tank or well.

Hate Speech and Incitement to Violence

- Religious texts, societal conventions, rituals, and widespread cultural practices in India make it permissible for people to utilise hate speech against members of some caste groups. Lower caste members experienced prejudice, violence, and dehumanisation because the higher caste was pure and the lower caste was impure. Social media discussions in a particular community worsen prejudice since they create hostility towards the group, possibly resulting in violence.
- On a global scale, various levels of respect and recognition have been given to campaigns against hate speech driven by race, gender, and sexual orientation. The same has not been said about caste-based hate speech, which affects a fifth of the world's population. It is evident that on various social media platforms, caste-hatred lesson is on the rise and is used to oppress and degrade Dalits. The caste-hate address must be recognised as a distinct hatred that coexists with other issues.
- In addition to offensive content, hate speech can also include ideas potent enough to incite violence against a particular societal group. West Bengal recently saw racial rioting due to a Class 11 student posting divisive content on Facebook. Similarly, in May 2017, there was a conflict between the Thakur and Dalit populations in Saharanpur due to rumours and instigating Facebook posts. WhatsApp and other social media platforms have recently been used in Karnataka to transmit hate messages from Facebook that incite violence against the targeted populations.
- Before the internet existed, most of India's laws banning hate speech were enacted. **153A, 295A, and 505** of the **Indian Penal Code (IPC)** deal with hate speech. Section 295A intends deliberate intends to insult someone's religion or religious beliefs to upset them or any group. It also prohibits speech (verbal or written) meant to belittle any

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group of people's faith or religious convictions. **Section 153A**⁴ of the IPC prohibits the use of words (spoken or written) that are meant to incite animosity among different groups on the grounds of race, religion, national origin, place of residence, language, etc. According to **Section 505**⁵ of the Act, it is unlawful to publish or disseminate any statement, rumour, or report to encourage (or likely to incite) any class or community of persons to commit an infraction against another type or community.

- In the case of **Shreya Singhal v. UOI**⁶, the Supreme Court nullified **Section 66A**⁷ of the **Information Technology Act** (IT Act), the only provision that tackles the transmission of offensive content through communication services due to concerns about potential abuse.
- One of the reasons why internet service providers have been reluctant to control offensive content on their platforms is because the primary objection raised against social media platforms when they try to stop hate speech is that doing so will inevitably lead to online censorship and speech restrictions for users. Although the Indian Constitution recognises freedom of speech as a fundamental right, we must realise that it is subject to legitimate conditions, such as those required to uphold public order. Additionally, exercising one's free speech rights shouldn't allow one to offend members of a particular community.

Challenges in eliminating caste-based violence

A. Their Economic and Social Position

Due to their fragile socioeconomic situation and relative ignorance of their legal and fundamental rights, lower caste members typically do not get legal remedies. They also have trouble getting resources like legal aid. They have to make many sacrifices during the drawn-out legal process because it can be heavily influenced, the procedures take a long time, and witnesses are reluctant to testify in their favour against those who have more significant power. Even though they are victims, they also cannot afford to forego their daily wages for days on end to attend court appearances. Above all else, they can also have to deal with social rejection. As a result, despite all the violence they have experienced, they decide not to file a complaint and continue with their lives.

⁴Indian Penal Code, 1860

⁵Indian Penal Code, 1860

⁶Shreya Singhal v. UOI AIR 2015 SC 1523

⁷Information Technology Act, 2000

B. Police official's attitude towards them

Sometimes the first obstacle in the way of victims of caste-based violence seeking justice is institutional bias in the form of police officials. The authorities are hesitant to document the First Information Report on an offence.

Our society is divided along caste, religious, and regional lines, and when someone joins the police force, they bring all of their biases and prejudices with them. When individuals are in positions of authority, these biases get worse. Thus, their action is greatly influenced by their individual preferences, caste, and social preconceptions. When persons from other castes or communities are present, these biases typically manifest in their conduct and actions.

C. Lower Conviction rate in case of Caste based violence

The quality of the investigations and prosecutions, the efficiency of the legal system, delays that cause witnesses to become hostile, the ability of different crimes to be supported by evidence, and the power of unjustified allegations being made for certain crimes which may ultimately not stand up to the scrutiny of the courts, are just a few of the factors that can affect the likelihood of a conviction. However, it has been arbitrarily believed that the seeming lower conviction rates for crimes against SCs and STs.

It was brought on by caste bias or apathy towards crimes against SCs and STs in the police and judiciary.

D. Higher Pendency of Cases

It has also been argued that in addition to the issue of lower conviction rates, the high pending rate for crimes against SCs and STs in police and courts also causes a delay in justice; in India, the number of cases pending is indeed rising in both the police and the courts, which is highly concerning.

E. Fewer incidences of rape of women from lower castes are reported

The **National Family Health Survey-4 (2016)** found that Scheduled Tribes and Scheduled Castes women in India experience the highest incidence of sexual violence. The obstacles that regularly prevent survivors and the families of victims from achieving justice include the police's refusal to file complaints, the declaration of

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charges as false, and pressure on survivors to accept out-of-court settlements. Frequent obstacles exemplify the institutionalised discrimination different communities experience in India's criminal justice system and broader society.

Impact of caste-based violence

- Psycho-Social Consequences

The incident of caste-based violence affects the victim and other community members. These incidents are seen as a failure of the administrative system, and if these issues increase, people lose faith in the system, which is very dangerous for any democracy. The mental damage these incidents cause the victim and society do not wash away so easily. These get stuck in the mind and become a reason for hatred and anger towards each other. This hatred becomes a tool for the anti-nationals to break the country's unity for their speed.

- Riots

When any such incident occurs, violent riots can be seen in different parts of the country where properties are burned etc. These incidents only harm the nation's economy, integrity, and unity. Instead of bridging the gap between different castes, these incidents increase it. After the Hathras Incident, violent clashes were seen between different sections of society, with police. One such incident occurred in Agra, where stones were thrown at the police.

- Legal challenges

Caste-based violence creates a significant problem for the legal system. Victims of these types of atrocities are primarily poor and uneducated. They don't have enough knowledge about their rights and lack enough resources to fight against these atrocities. They are constantly discriminated against and never come out of it and remain backward; there is always an obstacle to their growth.

1. Ways to Curb Caste-Based Violence

Caste-based violence is on the rise all across the country. There are a few fields in which work can be done to control this issue.

- a) Role of civil society and NGOs

Caste-based violence is a stain on society, and work must be done on the grassroots level to solve this issue. In its class, the club has to develop a tolerance for the community to solve this

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issue. Unless and until we don't start seeing each other as one big family instead of enemies, these incidents will not decrease. Society needs to become responsible on its level. The role of NGOs also become important at these times as they can help increase cooperation between the people and also make sure that agencies work correctly after any such incident occurs, which increase the confidence of people towards the agencies so that these incident reduce due to the fear of law and order.

b) Prevention and Education Program

Students should be taught that everyone is equal, like their brother and system. We should not consider anyone an enemy or more minor than oneself just due to their caste. They should be taught to share bonds and work with people of all castes. Legal awareness camps should be set up in remote areas so that people learn about their rights and relief in case of any such incident.

c) Legal Reforms and Policy Changes

The government needs to reanalyse its policies, and the current system as the current system has yet to bring any positive change as the incidents are only increasing, which means there is a fault in the system. Government should make sure that the policies are also appropriately implemented.

1. Role of Judiciary

The judiciary's role became crucial in caste-based violence as these cases affect the person physically and mentally. The victims were mostly poor and uneducated, so the longer the courts take to judge, the less it will serve the cause. So it becomes essential that the courts make correct, reasonable and quick decisions.

Another reason the decision should be taken quickly is that if we look at cases that are filed, we will find that most cases were false allegations. The intention of filing the cases was not to get justice but to harass the person due to other issues and disputes between the parties. The Rajasthan police have openly said that over 40% of the cases filed under the SC ST Act were found to be fake during the investigation process. If these are not done quickly and the longer the cases take to give judgment it will only harass the innocent who has been falsely accused.

The judgement delivered by the different level of courts also become essential as caste is a sensitive topic in the country. If the decision is not given correctly and there is corruption or

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dishonesty, it can become a reason for riots in India. Any wrong judgment can be responsible for the life of many.

2. Compensation to the Victim

The provision of compensation for the victim of caste-based violence is mentioned in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. This rule has been amended occasionally to add new categories of offences under which the state will be liable to pay the victim of such atrocities. Currently, the act specifies 47 types of crimes under which the state has to compensate the victim. The compensation range varies from Rs 1lakh to Rs 8.25lakh for various crimes. This amendment was brought in 2016. The act was amended in 2011, which specified only 22 categories of offences for which the government must pay compensation. The compensation amount earlier varied from Rs 60000 to Rs 5lakh. Only the victims belonging to SC and ST are eligible for compensation for any offence. There is no provision for other people.

The compensation has to be paid either in whole or at different stages of the trial or within seven days of the incident being reported.

Now there is Rs. 2 lakh compensation for any intentional touching of an SC/ST lady without her consent, stalking, sexual harassment, or sexual assault. A rape victim would receive Rs 5 lakh, while a gang rape victim or someone who had her face damaged by acid would receive Rs 8.5 lakh. A SC/ST lady previously received only Rs 1.2 lakh in compensation for insulting her modesty or being sexually exploited. Any offence against a member of the SC/ST carrying a sentence of more than ten years received relief of Rs 50,000 and compensation of Rs 5 L.

3. Legal Reforms and Policy Interventions

The Government of India makes various laws and policies to combat caste-based violence in India. But as we can see from the stats by NCRB, the cases of caste-based violence are rising. It can be inferred that there is a severe need for the government's reconsideration and necessary policy changes and reforms to reduce such incidents. There are various fields in which the government has to work to make changes in the current system to make it more effective and make India a happy and safe place for all the communities, whether it be a person belonging to the upper or lower caste.

The government can consider some of the reforms are

i. Strengthening Legal Frameworks:

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The government can consider bringing certain amendments to the current system to make it more effective and enact new laws along with the existing ones. The government should also ensure that laws are enforced strictly to benefit society. The system only protects scheduled castes and tribes under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Laws can also be enacted to safeguard people from Other Backward Castes and General Castes to cope with the changing society because now people from all castes are victims of caste-based violence.

ii. Swift and Effective Justice System:

Special fast-track courts and investigating teams should be established to deal with caste-based violence. The faster the delivery of justice in such matters more it will be beneficial, and the laws will be effective for society. There is a saying intdirection that “Justice Delayed Is Justice Denied,” and special teams will also punish no innocent as the laws can be misused. In an effective legal system, an innocent should never be punished.

iii. Awareness and Sensitization Programs:

The most vulnerable caste to caste-based violence in India is the uneducated and poorsection of society. They don't know about their right as an individual. They find themselves a victim of caste-based violence and cannot fight this system due to their lack of awareness. People should know their rights and remedies if they commit such atrocities.

iv. Support and Rehabilitation for Victims:

The government should make arrangements to support the victims byproviding them with legal aid to fight for their rights and help the victims,as mostly the victims of such atrocities are poor and uneducated. These crimes negatively impact the victim's mental health, and counselling programs shouldbe done to show that the victims can come out of the incident. The victims should also be provided with essential shelter faculties and resources to show that they can restart their live.

4. Caste-Based Violence (A Statistical Analysis)

The Constitution of India expects and guarantees individuals of all religions to live in harmony and follow their religious practice and custom without discrimination and interference. The core concept of Secularism is embedded not only in the preamble but

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can also be seen to be present under various provisions of the Constitution. But even after so many years of independence, caste-based violence is a persisting issue. Caste-based violence now a days is not only seen traditionally, i.e., Upper Caste people harassing Lower Caste people, but now Upper Caste people are also targeted by people of Lower Caste people.

It has become a trend that people belonging to a particular caste started giving themselves the caste identity and, to prove their caste supremacy started harassing people of different castes. Witnessing such crimes even now is disheartening and harmful to the unity of a nation.

These crimes, instead of decreasing, are only increasing. As per the report of NCRB, crimes against Scheduled Castes have increased by 1.2% in 2021 compared to 2020. 50900 Crimes have been reported in India in 2021. The most significant percentage of Scheduled Caste (SC) atrocity cases were reported in Uttar Pradesh (13,146 points), which accounted for 25.82%, followed by Rajasthan (14.7%, 7524) and Madhya Pradesh (14.1%, 7214). Bihar and Odisha are the following two states on the list, each contributing 11.4% (5,842) and 4.5% (2,327). 70.8% of incidences of atrocities against Scheduled Castes were recorded by the top five states mentioned above.

Crimes against Scheduled Tribes have also increased by 6.4% in 2021 (8,802 cases) compared to 2020 (8,272 Cases). Madhya Pradesh (2627 cases) reported the highest number of cases of atrocities against Scheduled Tribes (STs), which accounted for 29.8%, followed by Rajasthan with 24% (2121 cases) and Odisha with 7.6% (676 cases) during 2021. Maharashtra was next on the list with 7.13% (628 points), followed by Telangana at 5.81% (512 topics). The above top five states reported 74.57% of cases of atrocities against Scheduled Tribes.

Even anti Brahmins logans are on the rise, which can see all over the countries.

High-profile casesa) Karnataka Hassan District

In Karnataka, five males are reported to have raped a young Dalit girl. A 13-year-old Dalit girl was allegedly gang raped by four persons at a coffee estate in the Hassan region of Karnataka. One of the suspects is a child. The sexual abuse of the minor child was found after authorities learned that a girl who was six months pregnant was admitted to a hospital.

The district's rural police station received word on December 13 that a 13-year-old girl who was six months pregnant had been taken to a hospital. According to investigators, the girl was sexually assaulted more than once by multiple people.

b) Heggotara Village Karnataka Incident

In an odd event, some 'upper caste' residents of Heggotara Village in Karnataka's Chamarajanagar District completely drained a tank from which a Dalit woman had drunk water from and 'cleaned' it with geometry, or cow urine. On November 18, the incident occurred as the bride's relatives from Sargur in HD Kotetaluk were present for the wedding. One of the women took water from the tank as they walked towards the bus stop after the ritual. When a guy noticed this, he alerted the other villagers, and they all beat the woman for contaminating the tank's water. The Lingayat Beedhi residents opened the tank's taps after the woman left the community, let all the water out, and then cleaned the tank with geometry.

c) Hathras Incident

On 14th September 2020, 4 people belonging to the Thakur Community were alleged to rape a 19-year-old Dalit girl in the Hathras District of Uttar Pradesh. The victim later died after two weeks at a hospital in Delhi.

d) The JNU campus incident

The walls of the 2nd and 3rd floor of the School of Language and Literature and the doors of various faculty members were painted with objectionable slogans against the Brahmin caste people, which became a cause of controversy.

Conclusion

India is a tremendously varied nation, with numerous small communities and castes coexisting peacefully there. The existence of differences between two different people is very every day. Caste and religion are sensitive topics in India for Indians. Every system has defects of its own. Similarly, the caste system also had drawbacks. These faults were exploited by an opposing portion of society, who utilised them to divide people. The caste system was built on the capability of the citizens, but when it strayed from this foundation and adopted a hierarchical structure, everything went wrong. It is still evident that upper-caste individuals began to harass and limit lower-caste individuals. The upper caste currently suffers from caste-based violence, where lower caste members are dominant and autonomous due to their past inhumane deeds. The government has also passed numerous laws to prevent caste-based violence, yet the number of cases is still rising, indicating that the current legal system has some severe faults. More strategies need to be developed by the government to address this problem and make the necessary systemic changes. This issue must be resolved immediately to prevent it from endangering India's unity.

References

- <https://www.ijlrr.com/post/maintenance-and-welfare-of-parents-and-senior-citizens-amendment-act-2019-in-protecting-the-right>
- <https://tribal.nic.in/actRules/preventionofAtricitities>
- <https://economictimes.indiatimes.com/news/politics-and-nation/now-sc/st-victims-to-get-minimum-compensation-of-rs-8-5-lakh-from-state-government/articleshow/51834292.cms>
- [https://cjp.org.in/2022-a-look-back-at-hate-crimes-against-dalits-and-advivasis/#:~:text=Uttar%20Pradesh%20\(13%2C146%20cases\)%20reported,Odisha%204.5%25%20\(2%2C327\)](https://cjp.org.in/2022-a-look-back-at-hate-crimes-against-dalits-and-advivasis/#:~:text=Uttar%20Pradesh%20(13%2C146%20cases)%20reported,Odisha%204.5%25%20(2%2C327))
- <https://www.firstpost.com/opinion/the-brahmin-files-why-atrocities-on-brahmins-remain-one-of-the-best-kept-secrets-in-independent-india-10555251.html>

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<https://www.ijalr.in/>

- <https://legalserviceindia.com/legal/article-8332-caste-based-violence-and-statutes-in-india-with-suggestions.html#:~:text=This%20categorical%20discrimination%20over%20centuries,still%20practised%20in%20modern%20india>



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