Caste, Politics, and Law in Contemporary India

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The caste system is one of the most historic practices of Hindus in India. It divides the Hindus into four different categories, that is, Brahmins, Kshatriyas, Vaishyas, and Shudras, each having their sub-groups called the sub-castes which are differentiated based on the degree of purity. Even though caste has been embedded firmly in the spiritual and socio-cultural lives of many Indians for thousands of years, it has experienced structural and functional modifications throughout ancient, medieval, and modern India. For a country that holds traditional values very dear to it, the modernization of Indian society has come with its issues and conflicts. However, the progress of this country is (to some extent) determined by the extent to which it has been able to abolish the caste system. The practice of reservation as a means to alleviate the lower masses has been a big failure, and now it has much more to do with politics than to provide support to the oppressed. Political parties have used caste as a means to gain votes which have shifted the focus on caste from the social perspective to political agenda and thus, they have made it a political issue instead of a social issue. The current paper is an attempt to analyze the influence of the caste system in contemporary India.

Keywords: *caste, politics, law.*

INTRODUCTION

In terms of population, India is the second-largest country in the world, but in terms of diversity, it is arguably the largest. It is a country working on the principle of unity in

diversity, and one of the prime reasons behind this diversity is the caste system. If we go by definition, the word caste is originally derived from the Portuguese word "casta" which means "group, race, or breed". It is synonymously used for the term *Jati* which means birth, and thus, caste is a closed form of hierarchical class which is based on descent and birth. A system is an arrangement that regulates the functioning of a group. Thus, caste as a system has some defining characteristics, some of which hold great significance even now. Firstly, society is divided into discrete social groups known as castes, the membership at each of which is determined solely by birth. Secondly, it follows a specific hierarchy, which is a rigid social ranking among the castes, and which determines the privileges and power of a person solely based on his caste. Then there is endogamy, which has probably been the most impactful aspect of the caste system. Every caste is sub-divided into small groups known as gotras. It is believed that people from the same gotra are descendants of a common ancestor, and therefore, members of the same gotra cannot marry each other (the violation of this rule leads to the person(s) being ostracised from the caste). Apart from these, certain other characteristics were considered more significant in ancient times, such as the concept of purity of castes and hereditary occupation and naming, but nowadays they hold very little value.

Caste in India is an issue that has been opposed as well as defended throughout the history of the country. Many politicians and activists who speak out against the caste system overlook the fact that caste is a social, and not a political, institution. But the way it has been shown in the political light over the years has led to the current state of affairs, associating a negative connotation with the term, as we will see ahead. In this paper, we will see just how impactful caste still is in the current dynamics of the country.

REVIEW OF LITERATURE

- Ahuja R, *Social Problems in India* (3rd edn, Rawat Publications 2014) - In this book, the author has focused on most of the important problems that engulf Indian society such as poverty, unemployment, population explosion, youth unrest, domestic violence, communalism, and secularism, among others. This book will help me with a new perspective in understanding the impact of these issues on the caste system. The social

problems are related to society as a whole and this book is a detailed attempt to put forth the implications and repercussions related to these problems on our society.

- Ahuja R, *Society in India* (Rawat Publications 2003) - The author, through this book, has tried to express the working of the Indian society from historical, political, religious, and philosophical points of view. The book covers concepts like social stratification, castes, class, religion, population dynamics, political and economic system, etc. among others, and how they affect the Indian society in great detail. This book will be of tremendous use for me in understanding the complexities associated with the caste system from a unique but novel perspective.

- Gidla S, *Ants among Elephants: An Untouchable Family and the Making of Modern India* - The author in this book gives us a first-person perspective of her struggle with caste and identity. As apt as it looks, the title of the book rightly points out that she was treated like an ant in the society of elephants. She talks about the mistreatment of the untouchables in society how they were called 'polluted' and also how they were forced to live with this humiliation. This book will be of immense help to me as it will provide me with a very interesting view of the actual implications of the caste system on our society at the ground level.

- Shah G, *Social movements in India* - The author, in this book, tries to focus on social movements since the British Raj was established. The book covers movements like Dalit movements, peasant movements, tribal caste/class movements, student movements, women movements, human rights movements, environmental movements, among others. The book covers the topic in terms of social groups and debates based on geographical areas and periods which will help me to understand the reasons for which people gathered to voice their opinions against the oppression in the past.

CASTE: A POLITICAL OVERVIEW

India is a secular republic where no recognition is given to the concept of caste in shaping the political environment, at least on paper, since the practice finds no support in any legal document of the country. But it would not be an exaggeration to say that the caste system is

one of the main factors behind the shaping of the current Indian political scenario, although its influence (in general) has reduced to some extent owing to the evolution of Indian society.

HOW CASTE AND POLITICS INFLUENCE EACH OTHER

In modern India, the word "politics" in itself attracts negative attention and criticism. Politics, as we know it, is an integral part of any society and no society can exist without any political organization and collective decision making. Politics is about how governments work and how people influence the government's decision-making. But it is rather unfortunate that nowadays politics seems to have become synonymous with the pursuit of self-interest of the politicians and political organizations.

We follow a democratic system of governance where people elect their representatives through the elections, and where each vote holds the same value. Firstly, there are people from different ethnicity, residing in different regions of the country, then there are regional-level and national-level political parties and organizations with their ideologies. To make a government, a majority is required. Different caste groups support different political parties based on the synergy between their ideologies. Some of the caste groups are large enough to influence the outcome of the elections. As a person is born into a certain caste, during his upbringing, his political orientation, awareness, and beliefs are influenced by his caste group. Due to this influence, the individual's mindset is shaped in such a way that he aligns his thinking with his caste standards and thus, he is more likely to vote for a political party that supports his caste ethics.

CASTE, ELECTIONS, AND UNITY

In India, all political parties exploit the caste factor to attain votes in the elections. Some political parties (like the Bhartiya Janta Party) have a direct alignment with specific caste groups such as the Hindus, whereas some others that call themselves 'secular' (like the Indian National Congress) indirectly target certain sections of voters (the Scheduled Tribes, the Scheduled Castes, and Other Backward Classes). For example, in a constituency where the Hindu population is predominant, the parties will field Hindu candidates to contest the

elections from that constituency. They seek votes in their campaigns using caste as a weapon, thus the election campaigns can be said to run on caste lines. Caste can be seen as a uniting as well as dividing force in Indian politics. Over the years, several interest groups have come up with philosophies that are in contrast with each other, and these differences in opinions have created a competitive political environment. The lust for power has been such that it has created tensions between different caste groups and has led to an unhealthy fracas for power. It has also led to an increase in the tussle between high-castes and sub-castes in such areas. But in smaller rural constituencies, there isn't much social diversity because of which, it has been seen that caste has had a much more unifying influence in these areas. Although, sometimes the presence of two-or-three different caste groups might lead to factionalism.

CASTE, GOVERNMENT, AND LEADERSHIP

Although the constitution provides for caste-free politics and governance, caste has always played a crucial role in guiding people's political involvement, the decision-making of the government, and even the party structure. The party (or a coalition) that forms the government strives to get the support of key caste groups by using its decision-making authority. Caste influences the policies and decisions of the ruling party; especially when the regional parties form the government, they are more tilted towards the major caste groups of the region since they believe that this will affect the voting behaviour of the people in the future for them, which might help them to extend their stay at the summit. Caste also impacts the leadership recruitment in political parties since parties elect such faces as leading figures in the elections who are most likely to retrieve the most amount of votes from the target voters in their favor. Some examples include Mayavati (the leader of the Bahujan Samaj Party), Akhilesh Yadav (President of the Samajwadi Party), Mamta Banerjee (CM of West Bengal), among others. It is what we call vote-bank politics where a voter is induced to vote for a party that supports the ideals of his caste, or sect, or religion, or language.[1]

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[1] Kashyap M, 'Essay On The Caste System In India | Sociology' (*Sociology Discussion - Discuss Anything About Sociology*, 2021) <https://www.sociologydiscussion.com/essay/caste-system-essay/essay-on-the-caste-system-in-india-sociology/13513> accessed 18 October 2021

CASTE AND LAW

The first thing to understand here is that the caste system is not recognized in a positive light by the constitution of India, since it goes against the values of the constitution. Because of the caste system, it was observed over the years that the upper sections of the society had an unreasonable advantage in the society, which led to the exploitation and discrimination against the weaker sections. Practices like untouchability and slavery were the reasons why these oppressed classes were never able to bridge the ever-widening gap between themselves and the upper section. However, since independence, there have been many attempts by the government to reform the society and make policies to improve the condition of living of the weaker sections of the society.[2]

RIGHT TO EQUALITY

The constitution of India is the apex law that governs our country and according to it, every citizen is equal before the eyes of the law, and no one is entitled to any unjust enrichment against the other. To substantiate this argument, there are different fundamental rights enshrined under the constitution of India, one of them being the right to equality. Let us discuss some of its aspects below:

- **Equality before Law**

Article 14 of the constitution of India states that every person is equal in the eyes of the law and the State shall not discriminate against any citizen based on his caste, creed, religion, or even the place of birth. What it means is that no person, or group, or any other institution for that matter, can demand any special privileges and that the State shall uphold the equal defence of the law for every person. What's more, this right applies to all the people that are residing within the territory of India, and not just the citizens. The issue of untouchability has been rightly addressed by article 15 of the constitution of India. It prohibits favouritism based on colour, caste, creed, etc., and promotes equal access to public areas like public wells, religious institutions, and museums.

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[2] *Ibid*

- **Equality in Jobs**

The State shall give equal treatment to every citizen in matters concerning employment, as enshrined in article 16. Every citizen of India can apply for government jobs, although there is one huge exception to this right. That exception is the reservation. Accordingly, the government can reserve some posts for the members of the local region (that is, for persons having the domicile), scheduled castes, scheduled tribes, or backward classes, based on the need to uplift the weaker sections of the society.

- **Untouchability**

Article 17 abolishes just that. Under this article, the practice of untouchability is a crime in India and is punishable by law. In ancient times, the untouchables (or Harijans) were not allowed to draw water from public wells or enter any place of worship. Now it is a punishable offense under the Untouchability Offences Act, 1955 and the Protection of Civil Rights Act, 1976.[3]

CONCLUSION

The caste system has lost much of its significance in urban areas because of the great velocity with which modernization has taken place in such regions, whereas in the rural areas, the practice is still very much relevant. As per the constitution, every citizen is equal before the law, but in reality, this does not seem to be the case. To provide equal opportunities to the oppressed classes, the government introduced the system of reservation in education and government jobs. But that move has hugely backfired in many aspects. Firstly, the objective to bridge the gap between the higher class and lower class has failed miserably, both economically and socially.[4]

Economically, most of the lower caste or lower-class families in India are still weak. Starting with education, most of them are not able to compete with other people in the same

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[3] 'Vikaspedia Domains' (*Vikaspedia.in*, 2021) <https://vikaspedia.in/social-welfare/social-awareness/all-are-equal> accessed 17 October 2021

[4] *Ibid*

institutions because of disadvantages like the lack of availability of resources (even with due policies in place, they are not able to receive the benefits due to corruption at the ground level), or lack of essential education, or ignorance by the society. So when they graduate, they are still far behind the requisite potential that they can achieve and are thus not able to enroll in good jobs. Even if they do land a good job because of reservation, their efficiency is low which has a demoralizing impact on them. Socially, they are still subjected to many atrocities based on their caste (among other reasons). What is worse is that even with so many legislations to prevent such atrocities against them, many such cases go unreported because of the social stigma associated with reporting such cases among the masses. There have been many such cases to support this argument. Caste is a social institution, bringing it under the realms of politics and failure of the government in providing the ground-level implementation through the supposed-to-be valuable schemes, orders, and frameworks has led to serious troubles for the lower-caste groups, *and the oppressed, are still exploited, waiting for the help*.