Caste-Based Discrimination,

and the New Perception of India
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1. Introduction

1.1 Internship

Between July and December 2009 I conducted an internship at the Swedish Embassy in New Delhi, India. I was stationed in the political and human rights department and throughout the internship my work mostly evolved around gathering information and reporting on various political and human rights issues in India. The embassy and Sweden, in its role as the EU Presidency, had many additional responsibilities, and my work also included formulating possible EU positions on many of these issues, in close relations with embassy staff and other member states represented in New Delhi. The experience turned out to be a peephole into the world of diplomacy and international relations, and it gave me an insight into how a political office operates, both strategically and on an everyday basis.

One of my tasks was mapping out and examining the effects of the caste system in India; how the caste traditions continue to discriminate and exclude large groups of the Indian population from many sectors of society despite extensive efforts being made by authorities and non-governmental actors. Throughout the internship I collected a great deal of information on the caste system and this has been the basis for this paper.

1.2 Topic

India is often called the world’s largest democracy, containing the second largest population in the world. Since its independence in 1947 the western perception of India has changed; from categorising and treating it as a ‘developing’ nation - marginalised in the periphery with many of the post-colonial states - to today’s cautious reading that India is a power to be reckoned with and a possible ally in the international society.

So what is India? It is a democracy on paper. But judging by India’s critical human rights issues, office corruption, state-fragmentation, insurgency problems, and its alarming overall poverty, India does not quite fit the normal definition of a democratic state. These issues are at the centre of discussions when elections are pending, and mandated governments often build their policy-programmes trying to address many of these problems. Unfortunately they remain to a large extent unhealed. There are two overall reasons for this: first, the sheer massiveness of the problems in terms of resources and possibilities contra cultural embeddedment. Secondly, in India there exists a culture of neglect in policy-implementation.
This neglection (closely linked to systemised corruption) cripples all levels of government, locally in particular.

The two stated reasons why India continues to be haunted internally by fragmentation and massive poverty necessitates closer examination on numerous topics, and this introductory paper has no space for such an inquiry. However, I would like to bring up a core human rights issue in India that affects millions of people every day, namely caste-based discrimination.

Caste discrimination is not something that has emerged post-colonially. It is a cultural and social phenomenon that has been a part of the traditions of Hinduism for thousands of years, dividing people into castes in a hierarchical order based on their descent. Since independence Indian authorities has struggled to impede this type of discrimination with various means (and minor results), while at the same time endorsing religious freedom in a much proclaimed secular state. The efforts made by various governments, such as legislation changes, has been proved drastically insufficient and caste based discrimination has moved from being a religious tradition to becoming a human rights issue with international proportions.

With this paper I would like to present caste-based discrimination and how it is being addressed by the authorities in contemporary India. I also want to look at how the western states, in particular those of the European Union, are positioning themselves on the issue. It is interesting that the western perception of India has changed from being that of an under-developed state throughout most of the second half of the last century, to becoming that of a respected world power - all the while many of the internal characterises that usually defines ‘under-development’ remains intact in the country. The quiet position on the matter reveals a strategy for EU to maintain a smooth relationship with India. Caste discrimination is not a popular topic for discussion between the two, not even in the annual human rights-dialogue, and the international concern is mainly built by NGOs with a shortfall of supportive state-players. Of course some high-end efforts have been made, for example by the European Commission to shine light on the topic. It might be a matter of sovereignty, India and its people has the right to self-determination, so the question is, when is it justified for one democracy to point fingers and accuse another democracy of inadequate measures? There are numerous examples of other major powers disliking foreign enquiries about human rights (China for example); however, India is a peculiar case since it is defined to be a democracy. I will devote a part of the paper to discuss this further.
The structure of this essay is straight-forward. Firstly, a chapter on caste discrimination and its everyday effects in Indian civil society; secondly, a chapter on how the authorities deals and has dealt with the matter; and thirdly, defining EU’s position on caste discrimination in relation to the new perception of India as a superpower in the international community. After these three chapters, I will present a minor conclusion.

2. Context

2.1 Definition and background

The Indian caste system refers to the social stratification of people into ranked groups defined by descent and occupation, based on the underlying notion of purity. Usually the caste system is described as a more than 2,000-year-old Hindu tradition geographically originating from early civilizations on the Indian subcontinent. The system divides people into four larger caste categories with their traditional set of inherited tasks (much resembling the four estates of pre-20th century Swedish society); Brahmins (priests and teachers), Kshatriyas (rulers and soldiers), Vaisyas (merchants and traders), and Shudras (laborers and artisans). A fifth category falls outside these larger categories and consists of those known as "untouchables" or Dalits as they call themselves (“broken people”). The casteless group have earned their status “untouchable” from the tasks and labours they inherit which are often too polluting to grant them inclusion in the traditional caste system. In performing these labours they become physically untouchable by the other castes and expelled from certain parts of everyday social life. Basically the caste system is a pyramid and Dalits are at the lower end.

Caste-based discrimination can influence all spheres of life and violate a cross-section of basic human rights including civil, political, social, economic and cultural rights. It is also a major obstacle to achieving development goals, since affected populations are often excluded from development processes.

The system traditionally discourages people from different castes to interact with each other more than out of necessity, for example by prohibiting inter-caste marriage. Especially in rural areas, caste divisions dominate in housing, marriage, and general social interaction - divisions that are reinforced through the practice and threat of social exclusion, economic boycotts, and even physical violence. It should be noted that in contemporary urban India, social attitudes towards the traditional caste stratification are changing, especially as new forms of occupations are developing.
Nevertheless the caste system continues to survive in modern India. There are over 160 million Dalits in India, not counting the tens of millions of Dalits who have already converted to other religions such as Buddhism and Christianity to escape their caste faiths. During the eighties and nineties caste discrimination became a much debated issue on the political arena following a report published by a government commission that mapped out and defined current “backward” castes and ethnic groups in India\(^1\). The report also stated a set of recommendations to be implemented by the authorities including several reservation laws for public and educational seats. Reservation laws had already been incorporated in the forties, with states endorsing their own types of discrimination preventive policies, but the report renewed the debate and created a much needed political and social awareness. The outcomes are disputed but there is nonetheless an increased presence of Dalits in the higher spheres of power in India today than any time before. The debate also saw the creation of numerous local and national political parties claiming to be representing the Scheduled Castes and Tribes, some becoming very successful. Two examples of high positioned Dalits are the current Chief Minister of Uttar Pradesh Kumari Mayawati who won the state elections in 2007 for the fourth time; and M. Narayanan, President of India 1997-2002.

2.3 Caste discrimination in practice

Being based in deeply engrained social structures, caste based discrimination is part of day to day life\(^2\). Discrimination is often based on housing, work and access to public spaces. There are examples of Dalits being denied access to public services such as deep wells, water taps, health care and education. Segregation in housing, schools and cremation grounds, occupational restrictions, prohibition of ownership and access to land, bonded labour, forced prostitution and manual scavenging\(^3\) are other examples of discrimination in the everyday life of Dalits.

Discrimination on caste base can also be seen in terms of the relative underdevelopment of low-caste groups: the literacy rate for Dalits is significantly lower than for the rest of the population, infant mortality and under-five mortality among Dalits are much higher than the

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\(^1\) The Indian constitution refers to Dalits as Scheduled Castes (SCs) and ethnic minorities as Scheduled Tribes (STs), and together they comprise more than 24 % of India’s population. http://www.censusindia.gov.in/Census_Data_2001/India_at_Glance/scst.aspx


\(^3\) Manual scavenging was outlawed in 1993, yet today 1.3 million Dalits, mostly women, are employed by municipalities in this occupation.
average, and Dalits are paid lower wages than other workers for similar tasks. These are just a few specific examples.

There are also more violent forms of caste-based discrimination. Dalits are on occasions subjected to violent attacks, murder, harassment, and other atrocities. These cases are rarely reported, investigated or prosecuted, as police, lawyers and judges often belong to more dominant castes and are unwilling to get involved. Impunity in such cases remains common practice. However, it has to be acknowledged that media are becoming more vocal on the condition of Dalits.

3. India’s legal framework

The government of India has on a number of occasions recognised that caste-based discrimination is a problem with deep social roots in the Indian society. Since independence the government of India has implemented legislation and policies aimed at improving the situation of low-castes groups and prevent caste-based discrimination.

3.1 Constitution

The Indian constitution (1947) protects the fundamental rights of every Indian citizen, including equality, freedom of speech, expression, belief, assembly, association, movement, education, equality of opportunity in matters of public employment without discrimination on grounds of race, religion, caste or gender. It also formally abolishes “untouchability” and prohibits its practice.

The Constitution includes specific affirmative measures, for example reservation of seats in the public services, administration, Parliament (both upper and lower house), and setting up advisory councils and separate departments for the welfare of socially and economically vulnerable groups. The Constitution provides that the proper of implementation of the safeguards is to be monitored by the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.

3.2 The Indian Penal Code

India’s legal framework, The Indian Penal Code (IPC), provides various provisions specifically adopted to prevent forms of caste discrimination and other violations of minority rights, both on national and state level. Instead of a foundational rights’ framework for the
protection of every citizen in India, the Penal Code provides various Acts to prevent specific
types of behaviour, such as The Bonded Labour System (Abolition) Act (1976) and The
Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act
against Scheduled Castes and Tribes (by defining atrocities such as intimidation, sexual
abuse, denial of access to water et cetera).
Both the Constitution and The Indian Penal Code provides almost a watertight package of
individual rights for the Indian population and the problem caste-based discrimination does
not lie in an insufficient legal framework – rather it is a question of implementation.

3.3 Implementation issues

As noted above many laws have been introduced to prevent caste-based discrimination and
untouchability. The government has set up several bodies and commissions to monitor
progress, and some measures have enabled Dalits access into public office employment. The
problem is not the legislation but its implementation. At all levels, there is a lack of political
will to ensure that the laws are applied on the ground. Untouchability, bonded labour, poverty,
manual scavenging, segregation, landlessness and violence are the everyday reality whatever
the laws and special measures prescribe. Impunity is a core factor why it is so difficult for
Indian authorities to come to terms with caste discrimination.

3.4 International commitments

Expect for the domestic legal framework that ensures human rights in India, the country has
also committed itself to several international treaties and conventions. Almost all UN
conventions has been ratified (such as the Universal Declaration of Human Rights, the
International Covenant on Economic, Social and Cultural Rights, International Covenant on
Civil and Political Rights, International Convention on the Elimination of All Forms of
Discrimination Against Women, International Convention on the Elimination of All Forms of
Racial Discrimination). In spite of India's international legal obligations to protect Dalits'
human rights several UN Treaty Bodies, in particular CERD, CEDAW and CESCR, have
urged the Government of India to implement the concerns raised in their observations and to
ensure full implementation of these international treaty obligations at domestic level.4 There is

4 One example of concern is raised by the Committee on the Elimination of Racial Discrimination in their annual observation
an ongoing dispute between India and the UN Committee on the Elimination of Racial Discrimination whether or not caste-based discrimination should fall within the definition of racial discrimination. So far India has refused.

4. Actions by NGOs

There are very few international NGOs working specifically with raising awareness on caste-based discrimination. Most of the larger scale efforts to push untouchability to the forefront of various international human rights agendas are being made by domestic civil society organisations in India, in particular by the National Campaign for Dalit Human Rights (NCDHR). The organisation is a coalition of NGOs, human rights activists, journalists and academics throughout India which was formed in 1998 to respond to the continued practice of untouchability. The organisation has made possible collaboration between smaller local NGOs all over India. NCDHR is also to a large extent responsible for various state actors recognising the problem, such as the EU (European Commission) and IOs like the UN, by continuously publishing reports and fact-finding documents on the Dalit situation. Perhaps the only “international” non-governmental organisation trying to raise awareness on Dalit discrimination is the Copenhagen-based International Dalit Solidarity Network (IDSN), which often collaborates with NCDHR.

5. EU’s position

To describe EU’s position on a specific human rights issue is quite difficult since most Member States adopt individual positions, or rather; they avoid adopting direct policies on specific human rights issues while endorsing the UN forum, which is to many western countries the appropriate arena for such discussions. Certainly every western country by principle supports human rights doctrines that are overall ratified, but in asserting whether a country has failed to provide for its citizens there must be a level of understanding in terms of culture, efforts already made, resources, actual possibilities, et cetera in particular if the state is recognised as a democracy. There are of course apparent contradictions in this last statement and I will present this a bit further down. Let’s

In 2004 EU and India initiated a ‘strategic partnership’ with the intention to fully explore and narrow down the key areas of interest for a strengthened relation. The following year EU and India signed a Joint Action Plan to outlay the details for such a partnership. The key areas of

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5 The UN term for caste-based discrimination is "discrimination based on work and descent". See for example CERD General Recommendation 29 on descent (2002), http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/CERD_GR29.pdf
interest are many with a focus on trade and technology, EU being India’s largest trading partner. What is significant with the Joint Action Plan is the apparent lack of human rights rhetoric, expect for stating a continuation of the annual Human Rights Dialogue. What is quite frightening is the lack of documentation on the EU-India HR dialogue in terms of joint statements, communiqués, or other official “handshakes” which discloses a struggle for the actors to find a suitable balance in the discussions. The balance is determined by the actors’ hopes and expectations for the dialogue, which doesn’t necessitate that the hopes have to be unrealistic; rather it means that there is diffusion as to what such a dialogue is about. Since the beginning (initiated by EU) India has been reluctant and several times postponed and even cancelled the meetings which gives weight to the hypothesis that India does not know what to expect of such a dialogue in terms of EU demands and expected outcome.

5.1 European Commission, European Parliament, and Member States

The European Parliament has under the last decade recognises discrimination based on caste as a major human rights issue, through various debates and reports, and after a hearing in the Development Committee in 2007, resolution B6-0021/2007 was adopted. The resolution expresses an urgent concern for the human rights situation for Dalits in India and stresses a number of recommendations to the Indian authorities. The resolution did not receive any clear response by India; however, the document has been widely used by Dalits rights’ organisations.

The European Commission carries out its own set of development projects in the third world with a set agenda for the specific country. Under the last couple of years the European Commission has carried out various projects directly related to improving the situation of the Scheduled Castes and preventing discrimination based on work and descent. The projects have been focused on the areas of education, prevention of child labour and empowering of women with a specific focus on Scheduled Casts. As mentioned earlier, the European Commission also commissioned a report named *Caste-based Discrimination in South Asia* (2009) published by IDSN.

Every Member State has bilateral relations with India in various focus areas. In terms of human rights, most western countries use a detached development department to operate

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projects that follows a set agenda. Human rights are often bunked together with a number of other developing issues and there is unfortunately no room here to present the Member States’ set agendas for India in terms of development issues.

5.2 The new perception of India

India along with China is contesting the post-Cold War unilateral world. Both countries are emerging as contesting superpowers that can possibly alter the current US hegemonic balance of power\(^8\). India is quite different from China since it is understood to be a democracy following western political thought with its economic liberalisation and a constitution protecting fundamental rights of the citizens. The economic liberalisation has specially been important for the new perception of India because of its extravagant economic growth during the last two decades. India has been a democracy for sixty years but pursued a much more socialist strict economic agenda up until early nineties, when it suddenly started a huge deregulation. With deregulation comes foreign investment and trade opportunities and suddenly India attracted a broader audience. With this economic expansion and India’s newfound nuclear proficiency the perception that India is on the verge to becoming a significant power on the world arena has became everyday IR knowledge. The new perception has altered India’s previous ‘development’ status and created a minor wave of international acknowledgement from western actors by their pursuit for deepened India-relations. One good example is the new bilateral agreements between US and India in trade and nuclear technology\(^9\). This alteration of status means that EU and US cannot treat India as “just” a developing nation anymore; bilateral dialogues needs to be more on equal terms which makes it harder to lay demands on India. Therefore, pursuing a human rights agenda perhaps needs more subtleness than before. As mentioned in the beginning of this chapter there is a natural opposition for a state in respecting the sovereignty of another state and pursuing a global human rights agenda. The shift in the west’s perception of India shows just that.


\(^9\) For more information on the US-India nuclear agreement see the Council on Foreign Relations website: http://www.cfr.org/publication/9663/
6. Conclusion

India is a diverse country. It is a democracy in the broader sense, yet when looking more closely it surprises me with its critical deficiencies in areas of poverty, corruption, impunity, human rights et cetera. And the new perception of India has possibly made it more difficult for western countries to help India in these areas, since it should be allowed as a great power to care for these matters itself if it chooses to. It is a very interesting topic and it needs more inquiry, and I hope with this essay to have raised some of the questions that needs to be answered.