



# Discrimination On Caste Basis (Dalit Hatyachar) With Special Reference to Gujarat

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## Abstract:

*Discrimination based on caste, commonly known as "Dalit Hatyachar," is a deeply entrenched social issue in India. Dalits, historically marginalized and oppressed communities, continue to face systemic discrimination and violence, despite legal safeguards and social reform efforts. This abstract provides a concise overview of the pervasive nature of caste-based discrimination and its multifaceted impact on Dalits. This abstract is based on a review of academic literature, reports from human rights organizations, and historical context up to September 2021. It aims to highlight key aspects of caste-based discrimination and its implications. Caste-based discrimination in India has deep historical roots, with the caste system segregating society into hierarchical groups.*

*Dalits were traditionally relegated to the lowest rungs of this hierarchy, facing social exclusion and severe restrictions on their rights and opportunities. India has enacted several laws and provisions to protect the rights and welfare of Dalits, including affirmative action policies such as reservations in education and government jobs. However, the implementation of these measures has been inconsistent. Dalits are disproportionately vulnerable to physical and verbal violence, including acts of public humiliation and atrocities. Such violence is often perpetrated by members of dominant castes and can range from land disputes to social interactions. Dalits continue to be socially excluded from many aspects of life, including access to temples, public water sources, and participation in community events. Inter-caste marriages are often met with resistance and violence.*

*Dalits often work in low-paying and menial jobs, facing exploitation and economic deprivation. Landlessness and lack of access to resources further exacerbate their economic vulnerability. Despite affirmative action policies, educational disparities persist. Many Dalit students face discrimination, dropout rates are higher, and access to quality education remains a challenge. Dalits are underrepresented in political leadership positions, limiting their ability to advocate for their rights and influence policy decisions.*

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## 1.Introduction

Caste-based discrimination, commonly referred to as Dalit Hatyachar, remains a pressing issue in India. Despite legal safeguards and ongoing efforts to address this problem, Dalits continue to face social, economic, and political marginalization. Effective measures to combat discrimination on caste basis require a concerted effort at multiple levels of society, including robust law enforcement, increased awareness, and the promotion of social equality and inclusivity. Dalit atrocities, also known as "Dalit hatyachar" in some contexts, refer to acts of violence, discrimination, and oppression against Dalits, who are historically marginalized and discriminated against in India. The term "Dalit" is often used to refer to Scheduled Castes and Scheduled Tribes in India who have historically faced social, economic, and political discrimination.

Gujarat, like many other Indian states, has also witnessed incidents of Dalit atrocities in the past. These incidents can take various forms, including physical violence, social ostracization, denial of basic rights, and economic exploitation. Dalits in Gujarat, as in other parts of India, have struggled for their rights and equality, and various governmental and non-governmental organizations have been working to address these issues.

## 2. What is Discrimination

Discrimination is the unfair and prejudicial treatment of individuals or groups based on certain characteristics, such as race, gender, religion, age, disability, sexual orientation, or other personal characteristics. It involves treating people differently, often negatively, because of these characteristics, rather than based on their individual qualities, abilities, or actions. Discrimination can take various forms, including:

- A. Racial Discrimination: Treating individuals differently because of their race or ethnicity, often leading to unequal opportunities and access to resources.
- B. Gender Discrimination: Treating individuals differently based on their gender, which can result in unequal treatment in the workplace, education, or society at large.
- C. Religious Discrimination: Discriminating against individuals or groups based on their religious beliefs or practices, leading to prejudice or exclusion.
- D. Age Discrimination: Treating people unfairly because of their age, whether they are perceived as too young or too old for certain opportunities.
- E. Disability Discrimination: Unfair treatment of individuals with disabilities, which can involve physical barriers, prejudice, or exclusion from various aspects of life.
- F. Sexual Orientation Discrimination: Discriminating against individuals based on their sexual orientation, such as being lesbian, gay, bisexual, or transgender, often leading to social stigmatization and unequal rights.
- G. National Origin Discrimination: Treating individuals unfairly due to their country of origin or nationality.
- H. Socioeconomic Discrimination: Discrimination based on an individual's socioeconomic status, such as income or social class.

Discrimination is not only morally wrong but is also often illegal in many countries. Laws and regulations are put in place to protect individuals and groups from discrimination and to promote equal opportunities and fair treatment for all. Fighting discrimination and promoting diversity and inclusion are important steps toward creating more equitable and just societies.

## 3. Pre and after independence of discrimination on caste based

Discrimination based on caste has a long history in India, and it continued both before and after independence in 1947. Here's an overview of caste-based discrimination in India during these two periods:

### Before Independence (Pre-1947):

**Historical Caste System:** India had a deeply ingrained caste system for centuries, which categorized people into hierarchical groups. Dalits, also known as Scheduled Castes, were traditionally placed at the lowest rungs of this caste hierarchy and faced severe social and economic discrimination. **Social Exclusion:** Dalits often lived in segregated areas, faced restrictions on using common facilities like temples and water sources, and were denied access to education and better job opportunities. **Economic Exploitation:** Dalits were often relegated to low-paying and menial jobs, such as manual scavenging and agricultural labor. They were subjected to economic exploitation by dominant castes. **Violence and Atrocities:** Acts of violence, humiliation, and atrocities against Dalits were not uncommon. These acts included physical violence, public humiliation, and sexual abuse.

### **After Independence (Post-1947):**

**Legal Reforms:** After gaining independence in 1947, India's Constitution was adopted in 1950, which provided for equality before the law and prohibited discrimination on the basis of caste, religion, or gender. Affirmative action policies, including reservations in education and government jobs, were introduced to uplift marginalized communities, including Dalits. **Social Reform Movements:** Various social reform movements aimed to eradicate caste-based discrimination and promote social equality. Leaders like B.R. Ambedkar, a prominent Dalit leader and one of the framers of the Indian Constitution, played a key role in these efforts. **Continued Challenges:** Despite legal reforms and affirmative action, discrimination against Dalits persisted and still exists in various forms. Many Dalits continue to face social exclusion, violence, and economic exploitation. **Political Representation:** Dalits gained political representation at various levels of government, but their representation remains inadequate in proportion to their population. **Education:** While there have been improvements in Dalit education due to reservation policies, educational disparities still exist, and access to quality education can be a challenge in some regions. **Economic Empowerment:** Economic empowerment programs and initiatives have been introduced to uplift Dalits economically, but economic disparities remain a concern.

caste-based discrimination has deep historical roots in India, and while there have been significant legal and social reforms after independence to address this issue, challenges and discrimination against Dalits continue to persist in various forms. Efforts to combat caste-based discrimination and promote social equality remain ongoing.

### **4.Laws related to discrimination (caste based) in india**

India has enacted several laws and constitutional provisions aimed at combating discrimination, especially caste-based discrimination. These laws and provisions are designed to promote social justice, equality, and protect the rights of historically marginalized and oppressed communities, particularly Scheduled Castes (SCs) and Scheduled Tribes (STs). Here are some of the key laws and provisions related to caste-based discrimination in India:

#### **4.1 The Constitution of India**

Article 15: Prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.

Article 17: Abolishes "untouchability" in any form, forbidding the practice and the enforcement of any disability arising from it.

Article 46: Promotes the educational and economic interests of SCs, STs, and other weaker sections and directs the state to protect them from social injustice and exploitation.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: This legislation provides for the prevention of atrocities against SCs and STs. It includes provisions for stricter punishments for crimes against these communities and establishes special courts for their speedy trial.

#### **4.2 Reservation Policies**

**Reservation in Education:** India has a system of reservations in educational institutions to provide increased access to SCs, STs, and Other Backward Classes (OBCs). This includes reservations in seats, faculty positions, and scholarships.

**Reservation in Government Jobs:** The government reserves a percentage of jobs in civil services, public sector undertakings, and other government institutions for SCs and STs.

**Protection of Civil Rights Act, 1955:** This act was enacted to prevent social disabilities arising out of untouchability practices and to promote the social, economic, educational, and cultural rights of SCs.

**Bonded Labor System (Abolition) Act, 1976:** This legislation was enacted to prohibit and abolish bonded labor, which disproportionately affects marginalized communities, including SCs and STs.

National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST): These statutory bodies are responsible for monitoring the safeguards provided to SCs and STs under the Constitution and investigating specific complaints and issues related to discrimination and atrocities.

Various State Laws: Some states in India have enacted additional laws and measures to address caste-based discrimination, depending on local conditions and needs.

It's important to note that despite these legal provisions, discrimination based on caste continues to persist in various forms in India. Enforcement, awareness, and social change remain ongoing challenges. Additionally, the legal framework is periodically updated and modified to address evolving issues related to discrimination and social justice.

### **5. Issues and challenges for caste-based violence and discrimination in Gujarat state**

Caste-based violence and discrimination are significant issues in Gujarat, as they are in many parts of India. These challenges are deeply rooted in historical, social, and economic factors, and addressing them requires a multifaceted approach. Here are some of the key issues and challenges related to caste-based violence and discrimination in Gujarat:

1. **Historical Discrimination:** Caste-based discrimination has a long history in Gujarat, as it does in other parts of India. The caste system has created a hierarchical social structure where certain groups have been marginalized and oppressed for generations.
2. **Violence and Atrocities:** Dalits (formerly known as untouchables) and other marginalized caste groups often face violence and atrocities from dominant caste members. These incidents include physical assault, sexual violence, and social ostracism.
3. **Landownership and Economic Disparities:** Access to land and economic opportunities is still heavily influenced by caste in many rural areas of Gujarat. Dalits and lower-caste individuals often have limited access to resources and face economic disparities.
4. **Political Representation:** The representation of Dalits and lower-caste individuals in political offices remains limited. This can lead to policies that do not adequately address their needs and concerns.
5. **Education Disparities:** Educational disparities exist, with lower-caste students often facing discrimination and lack of access to quality education. This perpetuates the cycle of poverty and limited opportunities.
6. **Social Ostracism:** Practices like social boycotts, where lower-caste individuals are ostracized from their communities, continue to occur in some areas of Gujarat.
7. **Legal Challenges:** While there are laws in place to protect the rights of Dalits and other marginalized groups, enforcement can be weak, and cases often face delays in the legal system.
8. **Intersecting Discrimination:** Some individuals face intersecting forms of discrimination based on both caste and gender, making them particularly vulnerable to violence and exclusion.
9. **Awareness and Social Change:** Changing deeply entrenched social attitudes and norms regarding caste is a major challenge. It requires sustained efforts in education and awareness-building.
10. **Community and Governmental Resistance:** Resistance to change can come from both communities and some government officials who may be influenced by caste-based prejudices.
11. **Access to Justice:** Dalits and marginalized groups often face obstacles in accessing justice, including intimidation by dominant caste members, inadequate legal representation, and lack of awareness about their rights.

Addressing caste-based violence and discrimination in Gujarat, as in the rest of India, requires a holistic approach that includes legal reforms, social and educational initiatives, economic empowerment, and community engagement. It also demands the commitment of government agencies, civil society organizations, and the general public to work together to eradicate these deeply ingrained social injustices. According to data released by the National Crime Bureau, there were 1,426

cases registered in Gujarat in 2018 under the Prevention of Atrocities on Dalits Act. However, only 450 cases went through due course and led to a mere 14 convictions.

### **6. Some of the highlighted issue in news Against Dalit of Gujarat**

1. **Botad:** A 46-year-old man who was a witness in the murder case of a Dalit man four years ago has died after allegedly being attacked by the accused's relatives last week, police said here on Friday. Three of the alleged assailants have already been arrested. Rajesh Makwana, resident of Bagad in Ranpur taluka in Botad district of Gujarat, was attacked near his village by seven armed men on September 6. He died at a hospital in neighbouring Bhavnagar city on Thursday night, said Botad district superintendent of police Kishor Balolia. As per preliminary probe, the assailants, who belonged to an Other Backward Class (OBC) community, held a grudge against Makwana for being a witness in the case of the murder of Manjibhai Solanki, a Dalit social worker who lived in neighbouring Jalila village. Political rivalry between Solanki and his wife Geeta Solanki, the then village sarpanch, and the accused men led to his murder in 2019, the official said. The men allegedly involved in the attack on Makwana are related to the eight persons arrested in the Solanki murder case, he added. "Makwana was allegedly attacked by one Dhiru Khachar, his three sons and three unidentified men on September 6. He succumbed to injuries on Thursday night. While Khachar's three sons have been already arrested, Khachar himself and the other three are yet to be nabbed," said Botad district superintendent of police Kishor Balolia.
2. **"Barbarism": Jignesh Mevani Tweets Outrage On Rajasthan Dalit Murder** Based on a statement given by an injured Makwana at the hospital on September 6, Ranpur police registered a First Information Report on September 7 against Dhiru Khachar, his sons Hareesh, Kishor and Raghu and three unidentified men from Bagad village. They were initially booked for attempt to murder under section 307 of the Indian Penal Code and relevant sections of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act. Now they would be booked for murder, the police official said. Police have been deployed in Bagad village to maintain law and order, he added. Kanshibhai Makwana, deceased Rajesh's uncle, said he was killed because he was a witness in the Solanki murder case. "We want transfer of the SP and the arrest of all the accused. Till then we will not claim the dead body," he told reporters.
3. **Manjibhai Solanki (51),** a resident of Jalia village, was beaten to death on Ranpur-Barwala road on June 19, 2019. While his wife was then village sarpanch, Manjibhai himself was a member of the Jalila gram panchayat and served as deputy sarpanch. Days later, police arrested eight persons including Ashok Khachar, Pratap Khachar, Raturaj Khachar and Raviraj Khachar in the case. Caste-based discrimination is a reality even in urban areas of the state, reveals data provided by Gujarat police on violence against Dalits in 2022. The data included the cases reported at the commissionerates and SP offices across Gujarat.
4. **AHMEDABAD:** Caste-based discrimination is a reality even in urban areas of the state, reveals data provided by police on violence against Dalits in 2022. According to the details obtained under Right To Information (RTI) Act, Ahmedabad city reported 189 cases - the highest - of atrocities against the Scheduled Caste (SC) people in 2022. The state recorded a total of 1,425 such cases. The murder of two Dalit brothers in Gujarat is taking on political overtones. As families protested, the Gujarat Police constituted a Special Investigation Team to investigate the incident and suspended two police sub-inspectors. This is not an isolated incident in Gujarat. As many as 9,178 cases of crime against Dalits were registered in seven years since 2015, the Union government told Parliament citing a National Crime Records Bureau report.
5. **The families of two Dalit brothers,** who were allegedly killed on Wednesday by members of the Kathidarbar community in Samadhiyala village in Gujarat's Surendranagar district protested outside the hospital and claimed their bodies after more than 40 hours. This was after the police agreed to provide the family with protection in their agricultural field and during court hearings, as well as a fast-track trial in the case.

According to NCRB data provided by the Government of India in the Lok Sabha, 1010 cases of atrocities against Dalits were registered in 2015, with only 10 cases convicted; in 2016, 1322 crimes were reported, with only 22 people convicted. The conviction rate in 2015 was only 3.2 percent, but it rose to 4.6 percent in 2016. In 2017, 1477 incidences of atrocities against Dalits were reported, followed by 1426 cases in 2018, 1416 cases in 2019, 1326 cases in 2020, and 1201 cases in 2021. Thus, according to Gujarat statistics, as many as 9,178 incidences of crime against Dalits were filed in the last seven years. Hiren Banker, spokesperson for the Gujarat Congress said, "The Gujarat government claims women's safety on one hand, but the government's own statistics show that incidents of rape of Dalit women in Gujarat have been increasing steadily for the last three years."

In 2015, there were 25 cases of attempts to commit murder, 65 cases of rape, and 51 cases of atrocities against women; in 2016, there were 32 cases of attempts to commit murder, 70 cases of rape, and 75 cases of atrocities against women; and in 2017, there were 24 cases of attempted murder, 105 cases of rape, and 63 atrocities against women. In 2018, 25 attempts to commit murder, 92 rapes, and 77 atrocities against women, 31 attempts to commit murder, 107 rapes, and 82 crimes against women in 2019, and 27 attempts to commit murder, 116 rapes, and 69 crimes against women in 2020. In 2021, there were 21 attempts to commit murder, 120 rapes, and 69 crimes against women. Thus, 185 cases of attempts to commit murder, 675 cases of rape, and 476 cases of assault on Dalit women to outrage have been documented in the last seven years. Crimes against Scheduled Castes rose 32 per cent and those against Scheduled Tribes went up by 55 per cent between 2013 and 2017, the Gujarat Legislative Assembly has been told. The response given to an unstarred question by Congress MLA Pravinbhai Maru in September 2018 showed that a total of 6,185 cases were registered under The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in which Dalits were the victims. The number of cases rose 32 per cent, from 1,147 in 2013 to 1,515 in 2017, according to the response by Social Justice and Empowerment Minister Ishwar Parmar.

## 6. Conclusion

The issue of Dalit atrocities in Gujarat is a deeply troubling and persistent concern that highlights the ongoing challenges faced by Dalits, who are often marginalized and discriminated against in various aspects of their lives. While there has been progress in addressing these issues through legislative measures and social awareness, there is still much work to be done to eradicate this social evil. In conclusion, the issue of Dalit atrocities in Gujarat calls for concerted efforts from all sectors of society, including government, civil society organizations, and the general public. A comprehensive approach should encompass:

1. Legal Frameworks: Strengthening and strictly enforcing laws that protect the rights of Dalits and penalize those who engage in caste-based discrimination and violence.
2. Awareness and Education: Promoting awareness campaigns and educational programs to challenge caste-based prejudices and stereotypes and foster a more inclusive and empathetic society.
3. Economic Empowerment: Implementing policies and initiatives that enhance economic opportunities and social mobility for Dalits, helping to break the cycle of poverty and discrimination.
4. Social Integration: Encouraging social integration by creating spaces for dialogue, interaction, and cultural exchange among people from different castes.
5. Community Support: Establishing support networks and counseling services for Dalit victims of discrimination and violence, and ensuring their access to justice.
6. Accountability: Holding those responsible for Dalit atrocities accountable through transparent and efficient legal proceedings.
7. Political Will: Encouraging political leaders to take a firm stand against caste-based discrimination and violence, and to work towards a more equitable and inclusive society.

Therefore, addressing Dalit atrocities in Gujarat is not just a legal or political issue; it is a moral imperative. It requires a collective effort to transform deeply ingrained social norms and prejudices.

The aim should be to create a society where every individual, regardless of their caste, is treated with dignity, respect, and equality.

### References

1. Crime Records | National Crime Records Bureau (ncrb.gov.in)
2. Gujarat: Crimes against Dalits rise 32%, tribes 55% in 5 years | Ahmedabad News - The Indian Express
3. [http://timesofindia.indiatimes.com/articleshow/99926920.cms?from=mdr&utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/99926920.cms?from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)
4. In seven years, 9,178 cases of crime against Dalits reported in Gujarat- The New Indian Express
5. India News Press Trust of India Updated: September 15, 2023 6:56 pm IST
6. Rajesh Makwana, resident of Bagad in Ranpur taluka in Botad district of Gujarat, was attacked near his village by seven armed men on September 6.
7. Witness To Dalit Man's Murder Killed 4 Years Later in Gujarat, 3 Arrested (ndtv.com)
8. Witness To Dalit Man's Murder Killed 4 Years Later in Gujarat, 3 Arrested