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## CASTE SYSTEM AND HUMAN RIGHTS

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### ABSTRACT:

**H**uman rights are what reason requires and conscience demands. They are us and we are them. Human rights are rights that any person has as a human being. We are all human beings; we are all deserving of human rights. One cannot be true without the other." - Kofi Annan, Former Secretary-general of the United Nations

**Key Words:** Caste System, Human Rights, Indian society lives.

### INTRODUCTION

The caste system, a basic system of injustice to which all Hindus are subjects; the upper-caste Hindus as privileged and the lower caste Hindus as the sufferers or the victims of the system. Indian society lives in status-quo; therefore, there has not been effective change of the age-old caste system that had come into existence thousands of years ago. Caste has almost as old as Hinduism; and it being the oldest social order of hierarchy of the Hindus guiding the



society from the early times to the present, and as no radical change has so far taken place even till today as to caste division, inters-caste exclusiveness, rivalry and hatred, no study is, therefore, will be possible and proper devoid understanding the issue of caste in its origin and in the course of its evolution throughout the ages of Indian history, though our topic is to delineate the present condition. The purushasukta of the Rig-Veda is, perhaps, has the earliest written reference to the origin of the four castes of the Hindus, viz. The Brahmanas, the Kshatriys, the Vaishyas and the Sudras. In the Gita srikrishna is cited to have said, 'Chaturvarnamayasristang gunakrarmavibhagasha' meaning, the four castes have been created by me on the basis of mental aptitudes and works. Human Rights and UDHR

Article 1 of the "Universal Declaration of Human rights" adopted and proclaimed by the General Assembly Resolution 217 A( ) of. 10th December, 1948, says, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brother-hood". The concept of "Human Right" was logos incognita in Indian ethos and Hindu social culture despite the discourses of the high profile philosophy of the Upanishad. Arthur Schopenhauer, Max-Muller, Winternitz, Jacobi, Ludwig, Offo de Fries, Sir John Woodroff to mention a few of the host of India-lover ideologists were, of course enamored of the Upanishad, their faces turned pale and grim at the sight of the caste system the deliberately of profession devised the Hindu society and impurity of profession divided the Hindu

society into four unbridgeable islands namely 'Brahmana', 'Kshatriya', 'Vaishya' and 'Sudra'. These four castes were further divided into numbers of sub-castes, and out-castes; and in Bengal owing to the introduction of "Kulinism" by the Sena King Ballal Sen and Brahmanical writer Pandit Bhavadev Bhatta the number of castes and sub-caste scored nearly half a century. Vasishtha Sanhita, Manusmriti, Yajnavalkasmriti, and Naradasmriti etc. Among other Sanhitas not only deprived the majority of the Indian population stamping them as low-castes but also stripped the temping them as low-caste and common-sense human rights. The context of caste in relevance to the question of human rights, specifically concerning women rights, system widely and deeply reins the Hindu society and polity even today.

Gender-discrimination in the context of human rights in India, specifically in the Hindu society, has been based on the divisions of caste and class. The fate of a Sudra woman has never been like that of a Brahmin one of the same gender. The custom of sati was prevalent in the high caste society, as a matter of fact; it was not a custom in the tribal society. In the same way at present the so-called feminist movement can be seen limited within the periphery of the congregation of educated

## HISTORICAL BACKGROUND

In India, as the Sudras in spite of their numerical majority, were deprived of rights of any sort; as, most probably, they were the original Indians and not immigrated from outside; and the upper two castes viz. the Kshatriyas, being the noticeable minority, yet held all rights and privileges reserved for them, therefore, it seems, from the earliest times of its history, India witnessed the blatant trampling of human rights from all angles. As the Hindu society with the progress of time did not bring about any change of the caste system, and the upper two castes enjoyed all privileges and still have been doing the same without any modification. The socio-religious order has been locked to status-quo, in order to understand the possibility of implementing human rights in Hindu society, we have better to survey the Hindu *sa n h i t a s* and the *smaritisashtras* like the *manusmriti*, *Yjnavalkasmriti* and literature which still rule the Hindu social system.

### Human rights in the context of caste in Pre-British India

The pinnacle of Indian culture with the highest demonstration of humanism as was achieved in the Buddhist period, exemplarily in the period of Ashok and Kaniska, gradually began to wane and decline with the of Brahmanism in the Gupta period; yet there were some interludes like the period of Harsha and that of the Bengal palas who somehow protected Buddhism in northern india. Unfortunately the Hindu Brahmanical Culture as revived in the subsequent Sena period destroyed the fabrics of eclectic and to a large extent humanistic culture, religion and philosophy as were nourished in the Budhistpala period. The Pala Empire comprising the Ganga-Jamuna basin in north India again became the seat of Buddhist culture and education in the whole of India. In that period, the Nalanda and Vikramshila University were un in fact the prestigious seats of learning; the other centers of education like that of paharpur, Udantapur, devikota and Tryikonda also drew much international attention. Students from the Far East, South East Asia and Tibet Flocked to Nalanda, Vikramshila and Takshashila. In literature (including translation works from Sanskrit and Pali to Tibetan, Chinese, Ceylonese and Thai language), sculpture and painting, the Pala rulers imparted leadership to the whole of the Buddhist world. Under the leadership of Bitpal and Dhiman the Eastern Form of Art flourished and prospered. In Ayurvedic medicine there took place a revolution during the days of the Palas. Even the Bengali literature had its earliest development in the form of the Charjapadas. The Charjapadas, in fact, witness the kind of Bengali language as had been prevalent among the Charjapadas including Krishnapada and Luipada were Buddhists and Yogis and through their writings they age of a kind of early Bengali renaissance in the field of humanistic culture as against caste-division, philosophy, religion, literature art and education.

In eastern India, under the Sena rulers, the Yogis and the Buddhists were ostracized, deprived of

government facilities, tortured, and from many places driven out. Instead of the Buddhist social equanimity and the philosophy of tolerance was introduced Kulinism adumbrating inter-caste hatred and exclusiveness. Colleges, study centres and monasteries were closed.

In Ramacharita, the Kaivarta revolt organized by Divya, Rudok and Bhim is cogently described as “Anikam Dharma Biplabam” (an impure religious revolt). Though Ram Pal for the time being was able to drive the Kaivartas, but the days of the Palas were then numbered because of a more powerful Hindu conspiracy and due to a more powerful Hindu conspiracy and due to the internal weakness of the Palas themselves as well. The Senas with the objective of Hindu restoration and extermination of the Buddhists and Yogis came to power; and that cherished mission was carried out by Ballal Sen in collusion with the aspiring Brahmins and anti-Buddhist and anti-Yogi forces. This was a period for the whole of India and their blind caste-oriented catholicity spelled the Doom’s Day for the Buddhists; and in consequence of which caste system got restored under renewed Brahmanical tutelage.

### HUMAN RIGHTS AND MEDIEVAL INDIA

Human rights in the Islamic period need not be much elaborated for it is universally known that the Islamic state anywhere in the world in any duration of time was a theocratic one; and the Islamic state in medieval India was no exception to this Islamic convention. The Sultans of Delhi under the tutelage of the Ulemas unleashed a virtual reign of terror on the Hindus and other it is seen that Ala-Uddin Khilji, the most powerful Sultan of Delhi, invaded Hindu kingdoms not only to plunder the metropolitan citizens but more aggressively to possess young Hindu queens, prince and damsels for his harem. Queen Kamaladevi of Devgiri and Rani Padmini of Chitor are examples out of many instances of the kind Ala Uddin led his soldiers to the houses of the Hindus

### HUMAN RIGHTS DURING BRITISH INDIA

During the colonial period, the so called Indian Renaissance begun by Raja Ram Mohan Roy and carried on by a host of writers and activists did not and Hindu social power structure. Though Swami Dayananda Saraswati was genuine against caste system and the Arya Samajists organized movement favouring temple entry by the low-caste people, it could not be noticeably successful because of stiff resistance from the upper-castes. Subsequently movements organized by Jyotibaphule, Narayan Guru, Periar Ramaswami Naikar and Ambedkar sought steadfastly to eradicate castes and tribes. Ambedkar in 1936 had the hope of reforming Hindu social system; but as he failed, eventually he got converted to Buddhism. Now on the basis of the Mandal Commission Report, there the fortune of the low-caste women has not improved as yet. They are still off the line of proper justice in the scale of human rights.

### A SURVEY OF BRITISH REFORM ACTS

#### Abolition of sati, 1829

In the midst of the age customs of India, Sati was the cruelest of all socio-religious practices. It was a disgrace on the way of life of India and a test for any edified person. The savage and awful arrangement of sati drew the consideration of William Bentinck. The act of Sati was the blazing of the dowager in the memorial service fire for the spouse.

To have an unmarried young lady in the family was a social disfavor; and a dowager was the most exceedingly bad of creatures to be kept at home. Social weight and traditions constrained individuals to go for youngster marriage and marriage of young ladies to old grooms. It was a typical practice among the high stations like Brahmins and Kayastas in Bengal and the Rajputs in Rajasthan. The Family individuals all the time constrained the dowager to death with a specific end goal to snatch her property that she could acquire. At the point when a dowager was unwilling to hone sati, her relatives place her into the burial service fire without wanting to. It was essentially a negligent routine of crime. The Brahmins energized this



practice for cash and adornments of the dowager.

When, Bentinck as Governor General came to India, Sati was widely honed. Indeed, even the sister-in-law of Raja Ram Mohan Roy was compelled to death. At that point Ram Mohan Roy got to be distinctly out-talked and decided against this demonstration of brutality against ladies. He begged the Government to annul the System of Sati. Bentinck was moved by the detestations of Sati framework and by a direction in 1829, the act of Sati was proclaimed illicit. The smoldering of dowager was Sati was pronounced illicit. The smoldering of dowager was dealt with as wrongdoing commensurate to manslaughter and deserving of the courtroom.

In any case, Raja Ram Mohan Roy went to London, contended before the privy Council for the annulment of this practice and prevailing with regards to persuading the Privy Council to approve the Governor General to continue to make the law for the nullification of Sati. Hence, Bentinck and Roy similarly merit the respect for freeing the terrible and detested dowagers.

### **Abolition of Female Infanticide**

Another helpful measure was taken up to nullify female child murder or the act of slaughtering female youngsters not long after birth. The Rajputs or different stations of Western and Central India slaughtered female youngsters before they could see the light of the sun, for, birth of a young lady was considered as a revile.

### **Human Sacrifice**

Another incredible work of Bentinck was the abrogation of human relinquish among the primitive Gonads. The tribal's offered human give up for the goddess Earth with the trust of good reap that could make their nourishment hold safe. This superstition was a social malice and an unspeakable atrocity. Bentinck announced this practice illicit and forced capital punishment on the people honing it. In spite of the fact that the practice was not annulled totally, the quantity of human yield diminished.

### **The Hindu Widows Remarriage Act, 1856 or the Act XV of 1856**

Though the Brahmo leaders specifically Iswar Chandra pleaded for widow remarriage, never the less, it could not have become legalized unless and until the British Government made a law in its favor; and the law undertaken for this purpose was as follows:-

Under these unavoidable circumstances, Ambedkar, the leader of the Depressed Classes, tried to transform these classes into a political army and pressed their political claims which were conceded in the Constitution of 1935 in the form of special representation of these classes. He fought for equal social rights to the untouchables. He criticized the role of the British Government on the issue of untouchability. He submitted a memorandum to the Simon Commission on May 29, 1928, relating to the Communal Award, 'safeguards for the protection of the Depressed Classes as minority in the Bombay Presidency. Ambedkar demanded protection through the educational benefit of the Depressed Classes, unrestricted recruitment of them in the army, navy, police force and effective representation of them in the Local Bodies; but the Simon Commission, perhaps under duress, strategically under-evaluated the needs and claims of the Depressed Classes. He urged for equal citizenship, eradication of untouchability and the abolition of caste discrimination. He advocates the demand for Dominion Status of the Indian nationalities. Realizing the gravity of their demands, the Government of Britain extended its helping hand to solve the age-old problems by declaring the 'Communal Award', though often criticized as a policy of divide and rule. Ambedkar, the leader of the Indian Dalits, got opportunity to raise the issues of the age-old oppressed, suppressed, tyrannized and exploited conditions of the down-trodden Indians in the Round Table Conferences Classes relating to the arrangement of separate electorate system for them in spite of the constant opposition of the Indian National Congress under Gandhiji. Gandhiji opposed; but a compromise

was struck; and then was signed the Poona Pact in 1932 between Gandhiji and Ambedker. It cannot be denied, therefore, that the Government of Britain contributed a lot to the liberation of the depressed classes in India. The British Government's liberal educational policy opened the age-old closed door to all irrespective to their caste, class, creed and religion. The common people of India were satisfied with the practical concept of equality before the law.

### CONCLUSION

Human rights are best considered as potential good certifications for every individual to lead a negligibly decent life. The degree to which this goal has not been acknowledged speaks to a gross disappointment by the contemporary world to organize an ethically convincing request based upon human rights. The philosophical premise of human rights has been subjected to predictable feedback. While a few parts of the resulting wrangle between philosophical supporters and adversaries of human rights stay uncertain and, maybe, irresolvable, the general case for human rights remains an ethically effective one. Apparently, the most convincing inspiration for the presence of human may rest upon the practice of creative energy. Have a go at envisioning a world without human rights!

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