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### LAW CASTE AND URBAN SPACE: A CRITICAL ANALYSIS

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#### ABSTRACT

*In the intricate tapestry of urban life, the dynamics of law and societal structures play a profound role in shaping the landscape of cities worldwide. One such pivotal factor deeply entrenched within the urban fabric, particularly in regions like South Asia, is the system of caste. Stemming from ancient societal stratification, caste continues to exert its influence on various aspects of life, including access to resources, opportunities and so on.<sup>2</sup> Many people believe that caste is still mostly practiced in rural areas and that caste boundaries are becoming hazier as a result of urbanization and economic expansion. But the situation of the urban spaces shows otherwise.<sup>3</sup> Usually the intersection of law, caste, and urban space encapsulates a complex web of historical legacies, socio-legal dynamics, and spatial inequalities that profoundly shape the urban experience and for understanding the interplay between these three it requires delving into the historical contexts, contemporary realities, and the real experiences of marginalized communities. In this piece of research work we are going to analyze the intricate relationship between Caste and the Urban Spaces like how the caste based segregation and discrimination is still prevalent in urban spaces and we'll analyse this relationship in the light of the existing legal framework, in addition to that this work also shed light on some of the real life experiences, wherein the people belonging to the Marginalized section of the society has faced adverse effects of caste system even in the Urban cities. This work is imperative in the sense that by analyzing the contemporary situation we can develop a deeper understanding of the phenomenon of caste and can discover the challenges that can be addressed through the policy measures.*

**KEY WORDS:** Caste, Urbanization, Varna System, Reformative movement, Discrimination.

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<sup>3</sup> Vasudev Chakravarti, "The Myth of Caste Free Meteropolises" <https://www.newscllick.in/myth-caste-free-metropolises> (Last Visited on 8<sup>th</sup> Feb, 2024)

## HISTORICAL BACKGROUND OF CASTE IN INDIA

The caste system is a social hierarchy that has its roots in ancient India and has been a significant aspect of Indian society for centuries. Early written evidence about the caste system appears in the Vedas, Sanskrit-language texts that date from as early as 1500 BCE. The Rigveda, one of the oldest scriptures of Hinduism, contains references to varnas, which consists of four main social classes: Brahmins (priests and scholars), Kshatriyas (warriors and rulers), Vaishyas (merchants and landowners), and Shudras (laborers and servants). The division was initially based on occupation and was relatively fluid.<sup>4</sup>

There are multiple theories on the origins of the caste system in India. “There are religious and biological ones among them. The religious theories explain that the Rig Veda, an ancient Hindu text, states that the four distinct varnas were produced by the components of the original man, Purush, who destroyed himself in order to create human civilization. On the other hand, as per the biological theory, all living things inherit one of three types of characteristics. Varna is a Sanskrit word for various colour or texture tones and also for mental attitude. Three Gunas exist: Tamas, Rajas, and Sattva.”<sup>5</sup>

The Manusmriti, an ancient legal text, played a significant role in codifying and perpetuating the caste system, prescribing strict rules for each caste’s behavior and interactions. By creating a social structure, the caste system determined every aspect of an individual’s life, including occupation, social interactions, marriage, and even diet. Each caste had its own duties, privileges, and restrictions, and social mobility was limited.

### Varna System

For ages, the Varna system a social hierarchy with strong roots in ancient Indian society has divided people. The Varna system finds its earliest mentions in ancient Indian scriptures, particularly the Rigveda, dating back to around 1500–1200 BCE. Initially conceived as a stratification based on occupational roles rather than birth, the system gradually evolved into a hereditary caste hierarchy over centuries. The Purusha Sukta verse of the ancient Sanskrit Rig Veda contains the first recorded reference of Varna. Purusha is the original entity, made up of the four Varnas combined. Its ‘mouth is made up of Brahmins’, ‘its arms are made up of Kshatriyas’, ‘thighs for Vaishyas’ and ‘its feet are made up of Shudras’. Similar to this, a society is made up of these four Varnas, who are able to maintain prosperity and order by abiding by the Varna laws.<sup>6</sup>

At its core, the Varna system was structured around the principle of dharma, or duty, with each varna assigned specific responsibilities and privileges. The major purpose of the varna division is to assign duties to different individuals, preserve caste integrity, and create enduring order. This system is thought to prevent disputes

<sup>4</sup> Kallie Szczepanski, “History of India’s Caste System” <https://www.thoughtco.com/history-of-indias-caste-system-195496> (Last Visited on 21<sup>st</sup> March, 2024)

<sup>5</sup> Manali S Deshpande, “HISTORY OF THE INDIAN CASTE SYSTEM AND ITS IMPACT ON INDIA TODAY” <https://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1043&context=socssp> (Last Visited on 22<sup>nd</sup> March, 2024)

<sup>6</sup> Nikul Joshi, “Caste System in Ancient India” <https://www.worldhistory.org/article/1152/caste-system-in-ancient-india/> (Last Visited on 22<sup>nd</sup> March, 2024)

within the business and interference with individual duties.<sup>7</sup> Each Varna propounded specific life principles to follow; newborns are required to follow the customs, rules, conduct, and beliefs fundamental to their respective Varnas.<sup>8</sup>

The Varna system underwent various transformations, influenced by religious, political, and social factors. While initially flexible, the system became rigid over time, perpetuating inequalities and divisions within society. The rise of Buddhism and Jainism challenged the hierarchical order, advocating for spiritual equality and social justice. However, the system still persisted, adapting to changing socio-political landscapes. With the advent of colonialism, the British administration further institutionalized caste distinctions, exacerbating social tensions and inequalities. And still in today's world also caste continues to exert a profound influence on Indian society not only in rural areas but also in urban areas.

## **CASTE IN URBAN INDIA**

### **Interrelation b/w caste and urbanization**

In India the Caste systems have long been integral to the social fabric of various societies, particularly prominent in rural areas. Urbanization on the other hand brought the growth of cities and the associated changes in population density, economic activities, and social organization. Historically, urban areas have often been more heterogeneous and socially fluid compared to rural areas, but they still as like, the rural areas reflect underlying caste dynamics. The caste identities are often persists influencing the social interactions and community structures within urban settings. In urbanization where people from rural areas move to cities in search of better economic opportunities and improved living standards. However, caste identities and social structures often persist among migrants, shaping their experiences and interactions in urban areas. Migrants may form caste-based communities or networks within cities, maintaining social ties and practices from their rural origins. Also on urban areas, this can manifest as occupational segregation, where certain castes are overrepresented or concentrated in specific industries or professions. In urban centers the caste-based discrimination can also limit access to employment opportunities and hinder social mobility for certain groups within urban settings.

The interrelation between caste and urbanization underlines the nuanced facets of social change and continuity in rapidly evolving urban societies. "Urging Dalits to move to cities in keeping with the aspiration that urbanization will break the shackles of the caste system, Bhim Rao Ambedkar, the father of the Indian Constitution once said, what is a village but a sink of localism, a den of ignorance, narrow mindedness and

<sup>7</sup> Varna System, <https://www.indiatoday.in/education-today/gk-&-current-affairs/story/class-12-history-crashcourse-varna-system-1434558-2019-01-19> (Last Visited on 23<sup>rd</sup> March, 2024)

<sup>8</sup> *Ibid.*

communalism.”<sup>9</sup> B R Ambedkar a Dalit social reformer and the author of India’s Constitution-believed that “the migration of marginalized castes to urban areas would help them escape discrimination and even caste identity. Today’s cities have moderately lived up to this expectation.”<sup>10</sup> While urbanization offers opportunities for economic advancement and social mobility, it also highlights persistent inequalities rooted in caste-based discrimination and social stratification.

### **Relevance of Caste in Urban Spaces**

Some of the following factors need to be considered regarding the relevance of caste in urban areas:

#### **Access to Resources and Opportunities:**

In some urban contexts, caste-based discrimination can still affect access to resources, employment opportunities, housing, and education. Discrimination based on caste may manifest subtly through biases in hiring practices, unequal treatment in educational institutions, or exclusion from certain social circles.

#### **Marriage and Social Interactions:**

Despite urbanization and modernization, caste continues to play a significant role in marriage alliances and social interactions within certain communities. Many urban families still prefer to maintain caste endogamy (marrying within the same caste), and caste considerations often influence social interactions and relationships.

#### **Social Networks and Communities:**

In urban areas, people often form social networks and communities based on shared cultural backgrounds, including caste. These networks can provide social support, access to resources, and a sense of belonging, which can reinforce the relevance of caste identity. These networks can influence various aspects of life, including social gatherings, community events, and even professional opportunities.

#### **Cultural Practices and Traditions:**

Urban areas may serve as melting pots of diverse cultures, including those with strong caste traditions. Certain cultural practices, rituals, and traditions associated with caste continue to be observed within urban communities, contributing to the persistence of caste identity. While urbanization brings about changes in social dynamics and may lead to the dilution of caste-based identities to some extent, caste continues to exert influence in various aspects of life in urban areas, albeit often in complex and evolving ways. The ugly reality

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<sup>9</sup> Nikhil Ramphal, “Does urbanization end caste, religious differences? Developmental economists measure ‘segregation’ in India” <https://theprint.in/india/does-urbanisation-end-caste-religious-differences-developmental-economists-measure-segregation-in-india/1630723/> (Last Visited on 24<sup>th</sup> March, 2024)

<sup>10</sup> Ankitha Gattupalli, “Urban Disparities: How Caste Shapes Cities” <https://www.archdaily.com/983475/urban-disparities-how-caste-shapes-cities> (Last Visited on 24<sup>th</sup> March, 2024)

of caste discrimination, which manifests itself in various forms such as residential segregation, discrimination in labour markets, educational disparities, and overt and covert instances of untouchability, lies beneath the twin myths of caste anonymity and meritocracy in urban India.<sup>11</sup>

## **SOCIAL/REFORMATIVE MOVEMENT AGAINST CASTE SYSTEM**

### **Vaikom Movement**

Vaikom Satyagraha was a significant event in the Indian independence movement, particularly in the struggle against untouchability and for the rights of the lower castes. The moment began on March 30, 1924, as a nonviolent agitation at Vaikom, a temple town in the princely state of Travancore. This was the first of several temple entry movements that would soon spread throughout the nation.<sup>12</sup> The satyagraha was organized to protest against the denial of access to the public roads near the Vaikom Temple in Kerala to people belonging to the lower castes. Under the leadership of social reformers like K. Kelappan, T. K. Madhavan, and K. P. Kesava Menon, the satyagraha attracted widespread support from different sections of society.

The Vaikom Satyagraha was an incredible campaign that persevered for more than 600 days in the face of oppressive societal forces, police crackdowns, and one of the biggest floods to ever hit the town in 1924. Unprecedented unity across caste lines was shown during the satyagraha, which was essential for its ongoing mobilisation. But many were disappointed by the eventual compromise. Famously, Periyar and Gandhi had a falling out over the topic, with Periyar having imagined a far more spectacular outcome. But the historic Temple Entry Proclamation, signed by the Maharaja of Travancore in November 1936, ended the long-standing prohibition on members of disadvantaged castes entering state temples. The Vaikom Satyagraha was a significant success because of this as well as the display of Gandhian methods of civil disobedience as useful tools of protest.<sup>13</sup>

### **Self-Respect Movement**

The Self-Respect Movement in India was a socio-cultural and political movement initiated by E. V. Ramasamy, popularly known as Periyar, in the early 20th century.. The Self-Respect Movement aimed to empower the marginalized sections of society, particularly the Dalits (formerly known as "untouchables") and non-Brahmin communities, by challenging the existing caste-based social hierarchy and advocating for social justice, equality, and rationalism. The Self Respect Movement sought to grant the oppressed classes equal rights and a life of dignity and respect, which Brahminism had denied them, by dismantling the repressive caste and gender systems that had made humans superior and inferior from birth. Periyar thought that the only

<sup>11</sup> Ashwini Deshpande, "The Ugly Reality of Caste Violence and Discrimination in Urban India" <https://thewire.in/caste/ugly-reality-caste-violence-discrimination-urban-india> (Last Visited on 25<sup>th</sup> March, 2024)

<sup>12</sup> Arjun Sengupta, "Remembering Vaikom satyagraha, a 100 years later" <https://indianexpress.com/article/explained/explained-history/remembering-vaikom-satyagraha-a-100-years-later-9241758/> (Last Visited on 25<sup>th</sup> March, 2024)

<sup>13</sup> *Id.* at 7.

way to truly gain independence was through the Self Respect movement.<sup>14</sup>

Periyar had laid down the principles of the Self-Respect Movement “to be no kind of inequality among people; no difference such as rich and poor in economic life; men and women to be treated as equals in every respect without differences; attachments to caste, religion and country to be eradicated from society with a prevalent friendship and unity around the world; with every human being seeking to act according to reason, understanding, desire, and perspective, and shall not be subject to slavery of any kind or manner.”<sup>15</sup> As a result of this moment Periyar was finally able to ensure representation of the lower classes. When the British government on December 15, 1928, guaranteed communal participation to all sections of society based on their proportionate numbers.

### **Other Reformatory Movements and Steps**

Other than two above mentioned movements there were various reformatory moments took place in India like various Dalit movements took place in India which has been one of the most significant social movements against caste discrimination. Leaders like Dr. B.R. Ambedkar played a pivotal role in advocating for Dalit rights and equality. The movement has led to various legal and social reforms aimed at improving the socio-economic status of Dalits and challenging caste-based discrimination. Formation of various political parties such as the Bahujan Samaj Party (BSP) that was Founded by Kanshi Ram and led by Mayawati, primarily advocates for the interest of the Bahujan Samaj, which includes Dalits, Adivasis OBCs and religious minorities. The party aims to provide a political platform for marginalized communities to address their issues and concerns.

Some of the recent reformatory steps or Anti-Caste movement that took place against the evil of caste system includes the appointment of Ashwini K P. Ashwini K.P was the first Dalit woman to serve as a rapporteur on racism, xenophobia, and associated intolerance for a period of three years. Ashwini’s perseverance, fortitude, and commitment won her the support of the 57-member UNHRC (Geneva), and she was one of the three individuals the Consultative Group shortlisted and recommended. Globally, this was a victory for the Dalit community as well as a sign that other marginalised groups are being taken seriously by society at large.<sup>16</sup> Other than this recently Several people participated in a cultural resistance event that was organised by various Karnataka groups by taking it to the streets. Dalits in blue gathered in large numbers at the National College grounds in Bengaluru for a big convention to demonstrate against the oppressors of the upper caste. This massive gathering took place in the midst of several atrocities and the untouchability policy in a Karnataka

<sup>14</sup> Sankul Sonawane, “Periyar and The Self Respect Movement” <https://mavelinaducollective.com/periyars-self-respect-movement/> (Last Visited on 26<sup>th</sup> March, 2024)

<sup>15</sup> *Id.*

<sup>16</sup> Anshula Agarwal, “5 Anti-Caste Moments Of 2022 That Challenged Casteism In India” <https://feminisminindia.com/2022/12/22/5-anti-caste-moments-of-2022-that-challenged-casteism-in-india/> (Last Visited on 26<sup>th</sup> March, 2024)

village where a man was accused of using cow pee to clean a water tank that a Dalit woman was drinking.<sup>17</sup>

## LEGAL MECHANISMS: For Preventing Caste Based Discrimination

### Constitutional provisions

In the Indian Constitution, several provisions are specifically aimed at combating caste discrimination and promoting equality. Some of the key constitutional provisions are as follows:

- **Article 14** - Equality before law – “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”<sup>18</sup>
- **Article 15** – “Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth. Article 15(2) specifically prohibits discrimination in access to public places on these grounds.”<sup>19</sup>
- **Article 330 and 332** – “Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People (Lok Sabha) and in the Legislative Assemblies of the States, respectively.”<sup>20</sup>
- **Article 46** – “Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections. It directs the State to promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and Scheduled Tribes, and to protect them from social injustice and all forms of exploitation.”<sup>21</sup>

### Statutes

1. **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**: This Act provides for the prevention of atrocities against members of Scheduled Castes and Scheduled Tribes, and for the effective enforcement of the constitutional rights of these groups. It prescribes punishment for various offenses committed against SCs and STs.
2. **Protection of Civil Rights Act, 1955**: This Act provides for the imposition of penalties for enforcing any disability arising out of “untouchability.”
3. **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**: This Act prohibits the employment of manual scavengers and the manual cleaning of sewers and septic tanks without protective equipment. It also provides for the rehabilitation of manual scavengers.

<sup>17</sup> *Id.* at 9.

<sup>18</sup> The Constitution of India, art. 14.

<sup>19</sup> The Constitution of India, art.15.

<sup>20</sup> The Constitution of India, art. 330 and art. 332.

<sup>21</sup> The Constitution of India, art. 46.

4. Protection of Human Rights Act, 1993: While not specifically focused on caste discrimination, this Act establishes the National Human Rights Commission (NHRC) and the State Human Rights Commissions (SHRCs), which play a role in addressing human rights violations, including those related to caste discrimination.

### **CASE STUDY: REAL LIFE INCIDENT OF CASTE DISCRIMINATION**

The experience of caste-based discrimination in the Urban City by Preeti Koli, a PhD Scholar in Education Studies at Dr. B.R. Ambedkar University, Delhi. In her experience Mrs. Preeti has shared various aspects of her life wherein she had encountered the caste-based discrimination in the Urban city.

#### Hiding her Caste identity

“Since I was in school, I have made an effort to disregard caste-related issues. I've always made an effort to conceal my caste identity because I go to school wherein lot of people were from the dominant caste such as Brahmins My grandfather moved from the village to the city in search of employment, therefore I have never experienced caste-based discrimination as it is in rural places. My father was a first-generation student who struggled throughout his life before getting a government job. He has always encouraged and pushed us to work hard in our studies in order to advance socially and in status. However, in the midst of this story, the entire tale of identifying ourselves by our first names is an excellent example of how members of marginalised groups conceal their caste identities when they migrate to cities. in my case ‘Koli’ is a scheduled caste sand When someone asks me for my complete name, they instantly translate ‘Koli’ to ‘Kohli,’ which is a Punjabi surname. As a surname, Koli is not as well-known as Kohli. When I was in second grade, my class teacher initially changed my surname from Koli to Kohli on my name slip, thinking I had spelt it incorrectly. I presented that to my father as soon as I got home, and he said, “It's just Koli. Please tell your teacher the same.” However, we don't use surnames anywhere, and that particular instance alone let me realise that there is a problem with my surname. I keep my caste a secret out of fear that if I am discovered to be a member of a Scheduled Caste, people will judge me harshly for the rest of my life.”<sup>22</sup>

#### Friendships and Romantic Relationships

“In one of the instances when my sister was applying for post-graduate (PG) in their final year of graduation, several of her close friends made comments about her social position as a SC. They left her alone, believing that her reservation would help her anyhow and that she would be in without even trying to study. They began organising study groups and applying for PG entrance tests with friends from the same caste. due to this the

<sup>22</sup> Preeti Koli, “Urban spaces and Caste-based Disenfranchisement: My Personal Experiences of Education, Romance and Merit” <https://www.decentermag.com/politics-urban-spaces-caste> (Last Visited on 26<sup>th</sup> March, 2024)



majority of friendships either dissolve or take on a formal character. and at the end, the people become friends with friends from their own caste.”<sup>23</sup>

### Questions of Merits

“Caste-based issues if at all, are only talked about and discussed regarding the concept of ‘merit’ in urban India when I was in school, I was less aware of my identity and social standing but now when I think back on those times, I can see how castes varied greatly from one another. One of the striking events I can still clearly recall has to do with the scholarships awarded to SC/ST students. The government's scholarships for worthy students from scheduled castes are awarded to the school administration after being accepted by the qualifying pupils from the caste. It is ironic that while the goal of these scholarships is to support underprivileged populations, the process by which these students were awarded was fraught with difficulties because the teachers would frequently shout out the students' names out loud in class. I was among the students who chose not to accept the scholarships in order to avoid the situation and become the object of any sort of marginalisation. I don’t even know if any of my old friends who used to brag a lot about their caste origins were aware of who I was.”<sup>24</sup>

### Analysis of the above Incident

The above experience of Mrs. Preeti Koli gives the clear hint that caste functions very subtly in urban areas beneath the cover of modernity Because discussing one's own identity particularly in ‘modern’ urban settings, is fraught with notion of biasness and judgement. These notions not only oppress the marginalised but also foster ‘difference’ and ‘othering’ towards their group, which makes them feel alone. The idea is that, contrary to popular belief, urban areas are not very ‘liberal’ It is often argued that although caste oppression may not exist in urban, contemporary, and liberal India, but it is still a issue that people nonetheless experience it, which is why they typically suffer and battle on their own.

## **CONCLUSION AND ANALYSIS**

In the end it is submitted that the enduring presence of the caste system in urban India underscores the complexity of social change in modern cities. Despite urbanization’s promises of heterogeneity and social fluidity, caste identities persist, influencing access to resources, employment, social interactions, and marriage alliances. Efforts to challenge caste discrimination, through reformative movements or legal mechanisms, have made strides but remain insufficient in the face of deeply entrenched social hierarchies. Real-life experiences, like those of Preeti Koli, serve as poignant reminders of the pervasive nature of caste-based discrimination in urban spaces, undermining efforts to conceal or downplay caste identities. Marginalization and bias persist,

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<sup>23</sup> *Supra* note 193 at 10.

<sup>24</sup> *Id.*

hindering true social mobility and perpetuating social stratification. While urbanization has undoubtedly brought economic opportunities and increased social mobility, its transformative power has yet to fully dismantle the caste system's grip on Indian society. To achieve meaningful progress, there must be a collective commitment to fostering inclusivity, equality, and social justice. This requires not only continued advocacy and legal reform but also a cultural shift towards challenging entrenched beliefs and behaviors that perpetuate caste-based discrimination. Ultimately, eradicating caste-based discrimination demands a multifaceted approach that addresses structural inequalities, promotes empathy and understanding, and cultivates a society where every individual is valued regardless of their caste background. Only through such collective efforts can urban India truly fulfill its potential as a space of opportunity, equality, and dignity for all its inhabitants.

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