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## CASTE HATE AND DIGITAL VIOLENCE: THE REALITY OF SOCIAL MEDIA AND LAW IN INDIA

**Dr.V.SUNITHA**, Assistant Professor, Damodaram Sanjivayya National Law University, Sabbavaram, Visakhapatnam, Andhra Pradesh, 531035

### ABSTRACT

India, a country of rich culture, tradition, and brotherhood, stands as a shining example of unity in diversity on the global stage. The historical India was filled with strong religious beliefs and complex social structures. The caste system played a cruel and crucial role in differentiating and segregating the society based on the work they do. This system made the so called marginalized community to be under the clutches of the so called upper class people. The history of India witnessed immense violence and atrocities against Scheduled Caste people, with discrimination spanning from their clothing to the food they consumed, forcing them into unequal treatment compared to upper-caste communities. Furthermore, they were forced into generational servitude, working as unpaid laborers in the houses of upper castes. They were prone to humiliation by the society from the history to till date. However, it is believed that the Dalit's humiliation in India is no more in the society because of the constitution of India that guarantees different fundamental freedoms but in reality new methods continued to humiliate Dalit's through various social media platforms. This article explores the reality of how caste hatred is being fostered by digital and social media, as well as the regulations that are in place to safeguard Dalit's.

**Index Terms:** Caste system, Social media, Constitution, Violence, Marginalized community.

***“Modern caste distinction is a barrier to India's progress. It narrows, restricts, separates. It will crumble before the advance of ideas” - Swami Vivekananda.***

### I. INTRODUCTION

After seventy-five years of independence, caste-based discrimination and inequality are still major challenges. The highly entrenched caste structures that routinely discriminated against people based on their caste, as well as the dehumanizing practices of segregation and untouchability, were intentionally eliminated during the Constitution's formulation. In order to assure substantive equality, the Constitution also contains provisions for reservations for Scheduled Castes and Scheduled Tribes in educational institutions and public employment.

In his well-known discussion Annihilation of Caste, Dr. Ambedkar gave a thorough description of the prejudice and humiliation that untouchables endure on a daily basis. He describes several such instances that span hundreds of years: (i) during the Peshwas rule in the Maratha country, untouchables were prohibited from using public streets because their mere shadow was deemed to be polluting; (ii) in Poona, the Marathas capital, untouchables were required to tie a broom around their waists to ensure that the dust, which becomes contaminated when an untouchable steps on it, is swept away. (iii) The Balais, an untouchable community in Indore, were told in 1928 that they had to follow the dress code set by the upper castes and refrain from wearing expensive clothing if they wanted to live with them.

Many people assert that there are no more plenty of instances of Dalit's being humiliated in society, however this is erroneous. These ideas, nevertheless, could hardly be further from reality. More creative ways to degrade Dalit's have been developed every year. For instance, in July 2020, a member of a

dominant caste made a 14-year-old Dalit child consume his own faeces. According to a recent study, thirteen percent of posts on Facebook are related to caste-based hate speech in India, indicating that novel techniques are still being developed to dehumanize Dalits. These posts contain anti-Ambedkar material and disparaging references to jobs based on caste. In order to uphold casteism in the digital and social domains, certain private, exclusive dominating caste communities are spreading hate speech that solely serves their caste interests. Participating in these groups has benefits in offline domains such as employment and housing. The so called upper caste groups, who believe they are “deserved” and doubt the worth of Dalits, frequently spread anti-reservation and anti-SC-ST Act opinions.

With the public's easy access to the World Wide Web (WWW) in 1994, in 1989, the world transitioned from physical to virtual mode. Social life has been significantly impacted by numerous important platforms and gadgets since 2001. LinkedIn was founded in 2003, while Wikipedia and iTunes started in 2001. Facebook launched in 2004, followed by Reddit, Flickr, and YouTube in 2005, Twitter (formerly known as X) in 2006, smartphones in 2007, Instagram, and tablet computers in 2010.

Over 57582 offenses against Scheduled Castes were reported, according to data from the National Crime Records Bureau (NCRB). Additionally, 10,064 cases of crimes against Scheduled Tribes (ST) were reported, a 14.3% rise from 8,802 occurrences in 2021. These offenses include assault, verbal abuse, prejudice, and even committing murder. Even while legislation like the Protection of Civil Rights Act of 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are in existence to safeguard marginalized people, their execution is still inadequate, and offenders frequently escape punishment. These flaws have changed on social media sites since modern technology was introduced.

## **II. WHAT IS CASTE HATE SPEECH?**

Caste-hate speech, which mostly targets Dalits and underprivileged groups, is a type of hatred that uses words, signs, or digital content (memes, videos) that degrades, insults, or promotes aggression towards people based on their caste. It frequently results in bodily or psychological injury and is used to maintain the social order. A wide range of measures are used to tackle statements of hatred, such as legislative frameworks, media literacy programs, awareness-raising and educational campaigns, and community involvement techniques. Governments and global entities continue to strive toward creating successful strategies to counter hate speech and advance tolerance, understanding, and respect for diversity while upholding a careful balance between defending freedom of expression and stopping the spread of hatred.

## **III. CASTE-BASED HATE SPEECH ONLINE**

Caste-based abuses that degrade and criminalize Dalit physiques, professions, and even clothing have become more prevalent in everyday speech. Proverbs that make fun of Dalit women for wearing sandals or slippers are examples of caste-based slurs. Insults for giving their kids “proper” names are another example, as is common terminology that links crimes like robbery or theft to particular castes, whose names are then used as insults. In some instances, Dalits are referred to as “cunning jackals”, an insulting term that implies that those with “fair” complexions cannot be trusted. Invisible abuse and harassment have also become more prevalent digitally. Caste groups refer to Dalits as “reservation people” or “quota fellows” to suggest that they don't deserve to be as educated or socially active as they are. Additionally, members of Scheduled Castes (SCs) and Scheduled Tribes (STs) are specifically protected by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act) from violence and atrocities committed against them because of their caste identity. Furthermore, despite the fact there is another law-the Protection of Civil Rights Act of 1955-its practical application has proven to be extremely difficult. The act specifies severe penalties for perpetrators and addresses a number of offenses, including horrors such assault, humiliation, and intimidation.

## **IV. LAW AND POLICY IN INDIA**

### **THE CONSTITUTION OF INDIA**

Dr. B.R. Ambedkar, the principal architect of the Indian constitution, aimed to end caste-based discrimination. The Constitution's Fundamental Rights are covered in Part III. Article 14 of the Fundamental Rights provides each person equal protection under the law and equality before the law. Beyond this, caste prejudice in India has a long history and is widely acknowledged by the Constitution.

In order to address the historical violence and injustice experienced by marginalized tribes and castes, India's constitution and legal protections against caste atrocities have been set in a number of laws. Articles 14, 15, 16, 17, and 46 of the Indian Constitution guarantee equality before the law and forbid discrimination based on caste. Article 15 prohibit discrimination on the basis of religion, race, caste, sex, or place of birth, Article 14 guarantees equality before the law and equal protection under the law, and Article 16 guarantee equal opportunity in areas of public employment. The practice of "untouchability" in any form is expressly prohibited under Article 17. Article 46 discusses special consideration for the Scheduled caste's economic and educational advancement.

Through Article 338 of the Constitution, the National Commission for Scheduled Castes (NCSC) is established and mandated to investigate and monitor matters related to the safeguards provided for SCs under the Constitution and other laws. It is essential for resolving complaints and defending SCs rights. Additionally, the SC/ST/POA Act requires the creation of special courts and the appointment of special public prosecutors in order to guarantee the prompt trial of cases pertaining to caste atrocities, so giving victims prompt justice. Online caste hate crimes have become a problem for India in spite of these legal and constitutional restrictions. International norms are not being followed by social media networks. Part IV of the constitution addresses the Directive Principles of State Policy in addition to the Fundamental Rights. The State is required by Article 46 to safeguard Scheduled Castes and Scheduled Tribes against social injustice and exploitation and to advance their socioeconomic and educational interests.

subsequently, seats in the Panchayats are reserved for members of the Scheduled Castes and Scheduled Tribes under Articles 243D and 243T, respectively, for local governments. Seats in the Loka Sabha are reserved for members of Scheduled Castes and Scheduled Tribes under Article 330.

Protective laws like the PCRA and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989 (PoA Act) have since increased the State's obligation to work toward ending discrimination based on caste throughout the country and guaranteeing the rights of members of Scheduled Caste and Scheduled Tribe communities to equality, life, liberty, and dignity. In India, caste-based hatred and violence are nevertheless pervasive despite these legislative safeguards. The PoA Act has been applied differently, and caste-related social stigma is still widespread. The development of anti-caste jurisprudence has been significantly influenced by the Supreme Court and other High Courts. Important rulings have shaped the legal parameters of combating discrimination, affirmative action, and reservation regulations by interpreting constitutional principles.

### **THE PROTECTION OF CIVIL RIGHTS ACT, 1955 (PCRA)**

The PCRA's primary objective is to prevent the "enforcement of any disability on the ground of untouchability." It defines "civil rights" as those that an individual acquires as a result of the abolition of untouchability. Nevertheless, the Act contains no definition for the phrase "untouchability." Consequently, "untouchability" has come to be interpreted as a social norm that stigmatizes some downtrodden classes based only on their birthplace and prevents them from interacting with members of the so-called higher castes or classes.

The PCRA's Section 3 penalizes the implementation of religious untouchability, which includes forbidding someone from attending a house of worship, conducting a religious service, praying, bathing, or utilizing the waters of any sacred tank, well, or water source. Section 4 stipulates penalties for anyone who, on the basis of untouchability, forbids an individual from entering a shop, restaurant, public area, public body of water, or from engaging in any profession, occupation, or trade, or from using or gaining access to any public resort, including any location that is maintained entirely or partially by state funds, a charitable establishment, the use of jewellery, or the application of any social or religious custom. Section 5 addresses the penalties for denying someone access to public facilities: The emphasis of Section 6 is on non-discrimination in business dealings. Section 7 addresses other offenses resulting from untouchability. Additionally, the PCRA mandates the State to take proactive steps to address untouchability. According to Section 8, a person's profession, trade, or permit will be revoked or suspended if they are found guilty of a crime under Section 6. All local residents who support an offense, such a boycott, may be subject to collective fines. The State is required by Section 15A(2)(i) of the PCRA to establish Special Courts and offer sufficient facilities, including legal aid, to individuals who are subject to any impairment resulting from "untouchability."

## **THE SCHEDULED CASTES & SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989**

A criminal statute known as the SC/ST (PoA) Act lists numerous acts of discrimination against Dalit's that are classified as "atrocities" and are considered crimes. These atrocities, which are listed in Section 3 of the PoA, can be committed against members of the SC/ST community by non-SC/ST individuals. They include: (a) compelled consumption or putting inedible or obnoxious substances in the mouth; (b) dumping excreta, sewage, carcass, etc. at the entrance of occupied premises; (c) garlanding someone with shoes or parading them naked; (d) illegally taking away land, cultivating, or disrupting with the use of any owned or utilized property; (e) forcing someone to engage in routine scavenging (f) filing fraudulent, malicious, or vexatious lawsuits; (g) bullying someone with the goal of humiliating them; and (h) enforcing or instigating a social or financial boycott of a person, family, group, etc.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 significantly modified the PoA in 2015, increasing the number of atrocities covered by Section 3 from 15 to 37. Additionally, the amendment adds the following particular atrocities against SC/ST women under Sections 3(k) and 3(w): (a) carrying out or encouraging the devadasi of a SC/ST woman to a deity, idol, or temple (b) deliberately touching (sexually) a woman who is a member of the SC/ST community against her consent or deploying sexual acts, language, or actions against a SC/ST woman who is aware that she is a member of this community.

State governments are required by Section 14 to create Exclusive Special Courts for one or more districts in order to solely decide cases involving violations of the PoA Act and designate Special Public Prosecutors to try such cases. Arrangements must be formulated to safeguard victims, dependents, and witnesses from any kind of intimidation, coercion, inducement, violence, or threat of violence, according to Section 15(A)(1). The State is required under Section 15A (11) to develop a suitable plan to guarantee the execution of the different rights and entitlements of victims and witnesses in obtaining justice. Additionally, the State is required to perform socio-economic rehabilitation, including relocation, and to cover travel and maintenance costs during the investigation, inquiry, and trial.

## **THE SCHEDULED CASTES & SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACTS 2015 AND 2018**

The Scheduled Castes & Scheduled Tribes Prevention of Atrocities Act got substantial amendments in 2015 and 2018. The statute was significantly altered by the amending Act of 2015. Offenses not previously covered were added as new offenses, such as social boycotts and types of harassment, humiliation, and social exclusion, which are classified as atrocities under the Act. Economic boycotts were defined in Section 2(bc), and social boycotts were defined in Section 2(eb). Additionally, Section 2(bf) of the 2015 Amendment Act defines manual scavengers in the same way as Section 2 of the 2013 Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. In order to ensure prompt case resolution, the 2015 Amendment also established special courts and special public prosecutors to trial violations under the Act. The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 also introduced Section 18A, which states that an arrest of anyone suspected of committing. In order to end the dangerous cleaning of unhygienic latrines, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSRA) was passed. In India, a method of manual scavenging is almost solely carried out by members of the Dalit community, the majority of whom are women. It is mostly inherited and closely associated with the caste system. The Employment of Manual Scavengers and Construction of Dry Latrines, 1993, which only applied to dry latrines, was the previous law in effect prior to the PEMSRA.

## **V.THE ROLE OF MEDIA IN COVERING THE INCIDENTS**

In India, caste atrocities are a threat to the Dalits. The inhumane caste atrocities against Dalits are not being sufficiently covered by the Indian media. With the exception of Frontline, the English-language national media did not cover the Thinniam event, in which Dalits were forced to eat human waste. On May 22, 2002, two Dalits, were made to feed one another human waste at Thinniyam the village in Tiruchi district. They committed a crime by supporting another Dalit, Karuppiah, who was fighting a protracted battle against a former panchayat president and her husband over money he said he had given them as a bribe to secure a house for his sister. It is claimed that the government, media, civil society, and mainstream intelligentsia in Tamil Nadu did not view the Thinniam tragedy as a significant issue.

The majority of publications and television networks disregarded this cruel event. Even the most reputable publication, The Hindu, avoided coming across as scatological by calling it "a heinous incident." Another Thinniam resulted from this disregard.

The 2006 lynching-based killings of a Dalit family by Kunbi OBC caste members are known as the Khairlanji massacre. The murders happened in a small place called Khairlanji a village in India which is situated in the Maharashtra state's Bhandara district, four members of the Dalit underclass Bhotnange family were killed on September 29, 2006. Before being killed, the family's two women, were publicly exhibited nude. Attackers from the Kunbi are said to have committed the crime because they were "opposing" the taking of their field so that a road could be constructed across it. According to early reports, the ladies were allegedly gang-raped before being killed. The media did not cover the incident properly, therefore it has received criticism for the poor coverage. There are many such instances where the media has not covered the Dalit violence properly.

## VI. RECOMMENDATION/ CONCLUSION

Deeply embedded in historical legacies, the complex system of caste-based discrimination in the Indian subcontinent still permeates contemporary culture and affects many aspects of daily life. Hate speech and disparaging remarks on underprivileged castes have become all too common on social media, where this harmful social ill has smoothly moved into the digital sphere. The concerning frequency of hate speech based on caste on social media sites like Facebook and Twitter highlights the structural difficulties in properly classifying and filtering such content.

There are shortcomings and restrictions in Facebook's and Twitter's current content moderation systems by critically analyzing the strategies used to counteract casteist content. Despite Facebook and Twitter's public pledges to fight hate speech, there are still stark differences in their classification and identification systems. Even if these platforms changing rules recognize caste as a protected category, they are nevertheless imprecise and inconsistent when it comes to tackling subtle kinds of caste-related discrimination, particularly in the Indian socio-political context.

There is a critical need for a sophisticated strategy that emphasizes cultural sensitivity and understanding within content moderation frameworks in order to counteract hate speech based on caste. The need for transparency laws requiring the release of takedown rates for different types of harmful content is emphasized in the recommendations. More inclusive and accurate content moderation methods can be promoted by empowering independent audit teams with members from civil society and marginalized communities.

In conclusion, social media platforms, legislators, and civil society organizations must work together to combat caste-based prejudice online. encouraging safer and more inclusive online environments and bridging geographical and cultural barriers requires addressing the shortcomings in content filtering processes, increasing transparency, and encouraging cultural understanding. Not only must caste be acknowledged as a protected category, but institutional impediments that support caste-based discrimination online must be successfully removed.

Social media companies (Facebook, YouTube, X/Twitter, WhatsApp) must include "caste" as a distinct prohibited group in their community guidelines as well. They must advance beyond general hate speech laws to develop regionally tailored AI algorithms proficient in identifying cattiest and academic insults in regional languages. Implement specific laws to combat hate speech online, such as a bill that would define hate speech based on caste as intentional communication that promotes, propagates, or incites hatred against a protected group. Start online campaigns to educate the public on the legal ramifications of online harassment, advocate equal treatment, and refute prejudiced narratives. Police in cyber-crimes and special court systems should receive training on the subtleties associated with digital caste abuse, particularly how to gather online proof.

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- d. Traditionally, Dalits could not give their children names that reflected the naming conventions of the “upper castes”, and were forced to assign them garbled names, such as Gattu Ram, Seva Ram, or Takku. The proverb “Bitiya chamaar ka naam Rajraniya” is an exclamation of surprise that a Dalit (chamaar) named their daughter ‘Rajrani’ (an “upper-caste” name). See Kumar, 2005, Op.cit
- e. National Crime Records Bureau (NCRB)
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