

SOCIAL JUSTICE AND HUMAN RIGHTS PROBLEMS CONCERNING CASTE DISCRIMINATIONS

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Abstract

In the Indian society the caste-based discrimination continues to remain as a serious obstacle to achieving social justice which is founded on the principles of equality, fairness, dignity, and respect for human rights. This paper examines caste discrimination as a social and ethical problem and explores its implications for social justice and human rights. It argues that caste-based divisions and hierarchical practices create inequality, social exclusion, and unequal access to education, social opportunities, and other basic rights. The paper also discusses how the historical development of the Varna and Jati systems contributed to the persistence of social hierarchy and discrimination. Although constitutional and administrative measures have attempted to address untouchability and caste-based injustice, their effectiveness remains limited when discriminatory attitudes continue within society and institutions. The paper therefore emphasizes the need for a value-based and inclusive social order supported by rational thinking, ethical education, self-reflection, and collective responsibility.

Keywords

Social Justice; Caste Discrimination; Varna System; Jati System; Untouchability; Social Equality; Moral Education.

Reference to this paper
should be made as follows:

Received: 19.08.2026

Approved: 15.09.2026

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Article No. 49

*RJPSS April - Sept. 2026,
Vol. LI No. 2,
Pg. 451-457*

Similarity Check - 04%

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[https://doi.org/10.31995/
rjpss.2026.v51i02.049](https://doi.org/10.31995/rjpss.2026.v51i02.049)

**This article has been peer-reviewed by the Review Committee of RJPSS.*

The concept “social justice” is obviously the later one as compared to the term ‘Justice’. The concept of ‘social justice’ appears to be the joint product of human faithfulness towards law and the inclination for its implication in the society. We come across the expressions like “social justice” ‘economic justice’ ‘political justice’, shows that the concept ‘justice’ has been applied to various aspects of our living situations. But the term ‘justice’, so far as its origin is concerned, ‘being derived from the Latin word “*justitia*”, is very much linked with the legal system in the sense that it should be the conformity between the actions and law. The *Encyclopedia of Social Sciences*¹ defines it as: (a) it is the faithful realization of existing law as against any arbitrary infraction of it; (b) the ideal element in law-the idea which the law tends to subserve. In both these explanations the emphasis on law is quite prominent and it appears that justice is not possible without the sanction of law. Remaining within this frame, a scholar has viewed social justice as a “balance between an individual’s rights and social control ensuring the fulfillment of the legitimate expectations of the individual... consistent with the unity of nation and needs of the society”².

Following framing the hypothesis regarding the evolution of this concept it would be better to show that “goodness” which is “justice to Moses, wisdom to Plato, love to Jesus, virtue to the Vedas”³, is also the essential need of a society. In the language of Rawls ‘Justice is the first virtue of social institutions. History has taught us that when equality of consideration, peace and harmony appropriate moral choice etc, lack it affects the social equilibrium and the justice is affected. There is truth in the words of Patnaik that “Social justice seeks to adjust the various institutions concerned in the social and constitutional structure of society and state for promotion of harmony on ethical and economic basis. A social order of equality and equity is apotheosized by social justice.”⁴ Understanding social justice in the above away it is quite clear and evident that Indian societies neither in the past nor in the present have achieved such a goal. If we take note of the enemies of social justice, out of the several ones, the role of race and caste discrimination can never be ignored; rather, it stands as a crucial one. It is evident that caste discrimination causes inequality. But it is also important to be clear about the ‘equality’ or ‘equitable distribution’ needed in a specific context. In this respect Mohapatra has aptly written that “In a society of different types of people with different needs, for example, giving the same one thing to everybody, an expensive guitar or motor car each, will not only be a parody of equitable distribution but will neither be just nor equal treatment.”⁵ So for Indian society with a multiple setup the most important factor is to remove discrimination to ensure social justice.

It is because the racial and caste discrimination share the common factor that in both there is exploitation which is again based on the attitude of oppression. That is, a group of population is always found to be oppressing another group of population. Whether the white vs. black issue of South Africa, or the *savarna* vs. *asavarna* issue of India are the examples, where such discrimination is at the root of affecting the availability of the social justice. In the context of India, the *varna* and *jati* discriminations are much ancient, significantly prominent and it has become a strong barrier to ensuring social justice.

So, the basic hypothesis of this paper is the following: Social Justice aims at equal justice to everyone forgetting any kind of discrimination and gradation. It is the only means for an ideal social setup. Here, the minimum requirement is that social norms and principles of morality should be applicable equally to everyone. While social justice is against any kind of discrimination, how can one expect social justice in a society that has accepted divisions either on the basis of *Varna* or *Jati*? This is the ground for considering that in the case of Indian societies the practice of *varna dharma* happens to be not conducive to social justice.

I Looking to the history of the concept of *Varna*, it is seen that at the very early stage ‘*varna*’ was used in the sense of ‘colour’, referring to two *varnas* only, namely, *Arya varna* and *Dasa varna*. It has no connection with the four classes developed later by the influence of *Purusasukta*. In Vedic tradition, till the view of the *Purusasukta* came into enforcement, there were three classes in operation (*Brahma* for *Brahmans*, *Ksatra* for *Warriors*, *Vaisha* for common people or the rest others)

In a very straightforward way in the *Purusasukta* of the *Rig.Veda* it has been maintained that the people of the four *Varnas* are originated from the four different organs of the *Virata Purusa*. The *Brahmanas* are from the mouth, the *Ksatriyas* are from the four arms, the *Vaisyas* from the thigh and the *Sudras* are from the foot of the *Virata Purusa*, (the Cosmic Being) who is supposed to be the cause of the entire creation.

The mentioning of the *Purusasukta* regarding the origin of the classes does not seem to allow gradational consideration among the four. But subsequently the acceptance of gradation is found to be clear by the time of *Taittiriya Samhita* which admits gradation in clear terms. So far as the view of the *Panchavimsha Brahmana* is concerned the treatment of *sudras* as a low class is also clear. According to this literature the *sudra*, even if he be prosperous, cannot but be a servant of another, washing his superior’s feet being his main business.⁶ The gradation was accorded

according as the status and position of limbs of a person. The four-fold division gave rise to four classes of people being associated with a 'varna'. The term 'varna' referring to these four classes is found clearly in the *Satapatha Brahmana*. This term *varna* probably received wide acceptance later on for which *Varnaashrama Dharma* became a major feature of Hindu society.

It is almost uncontroversial that for centuries the Hindu psyche has taken it for granted that the fourfold classification of *Varnas* (castes) is of divine origin and therefore inviolable. A man having faith in Hindu theistic belief cannot ignore the views shared in the two basic sources (namely, the Veda and the *Bhagavad Gita*) in respect of the *varna* or caste considerations.

Such divine origin of *varnas* prime facie appears to be arbitrary. It is not important and also not practically possible to verify the authenticity of such a standpoint but the stand has occupied a remarkable place in the Hindu psyche for centuries and given rise to some fatal social problems because of the feeling of gradation. Since the order of mouth, arms, thighs, and feet is from higher to lower so far as the standing form of man is considered, the people originated from such organs were rated accordingly and *Brahmanas* were supposed to be highest and *Sudras* were considered to be lowest in the caste order. Such thinking was strengthened by the writings found in the *Taittiriya Upanisad*, *Shatapatha Brahman*, and *Gita*. The people of lower orders of caste had to understand the exploitation by the people of the higher caste order. The exploitations were witnessed to the extent of untouchability even. For centuries they were not given scope for education and many other facilities. But somehow when some of them could obtain some knowledge, they could feel the inequality and they considered that the *Brahmans* are solely responsible for such inequality and exploitation. According to them they have interpreted the *sastras* with a narrow interest of exploiting others by blackmailing their emotional feelings in the name of the divine.

The above picture of *Varnavyavastha* shows that 'varna' is primarily a religious concept because of its divine origin. Two fundamental holy sources of Hindu dharma support this stand. Hence the classification is arbitrary, not intrinsic to the very nature of man and society. (Prof. Prasad shares this stand that the *Varna dharma* is not natural so far as the view of *Bhagavad Gita* and the Vedas are concerned). In this sense, there is hardly any objection to consider the concept of 'varna' to be trans-social and trans-ethical.

The ancient *Varna vyavastha* has been considered as divine in the framework of theology. Any consideration is claimed to be of divine origin, is obviously unquestionable and unchallengeable within that framework. But when a *darsanika*

applies his critical thinking he need not confine himself to any particular framework. A consideration however deep-rooted it may be in the Hindu psyche as having divine origin and (on that ground) is inviolable and unquestionable, is not acceptable from a rational standpoint.

Unfortunately, the impact of the traditional belief and adherence to it has been found in the form of a serious social evil. So far as the present situation in India is concerned it is quite significant to note that the present Hinduism is found to be composed of a number of groups and sub-groups, (*jati*, *upajati*) to the tune of a few hundred. Quite interesting to note that in Kerala a *Nayar* cannot touch a *Nambudri*, a *Tiyan* has to keep a distance of 36 steps from a Brahmin etc.; in the West Bengal there are four types of *sudras* out of which only one category comes under untouchables. In this manner in course of time the *varna* system has turned into a *varna* and *jati* system being interwoven together giving rise to an elaborate ranking system. However, it is evident that as long as the ranking is there the inequality must persist. According to Max Weber,⁷ the Indian caste system is nothing but a form of social hierarchy and it symbolizes a kind of status distinction. Gerald Berreman finds three distinct characteristics in respect of the Indian caste system. Those are namely, stratification, pluralism and interaction (hierarchical model, pluralist societies of which some enjoy more power, restrictions in interactions).

While seeking justice in respect of caste/race discrimination, it ultimately lands us in the issue concerning the protection of Human Rights. Because the justice consideration and issues of human rights go hand in hand. Millions of people worldwide continue to suffer because of caste discrimination and the 'caste imposes enormous obstacles to their full attainment of civil, political, economic, social and cultural rights'. In respect of taking steps to find solutions to this social evil, which has become a big threat to human rights, at the international level, there has been a convention CERD (The Convention on the Elimination of All Forms of Racial Discrimination) in 1965 where a definition has been stipulated in the following manner. "Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". Subsequently CERD stated clearly that the claim of Dalits falls within the scope of the CERD that the term descent contained in Article 1 of the Convention not only refers to race but also includes the situation of Dalits.

Under the influence of CERD, the first step was taken to restore justice through administrative measures. But the administration could not be successful in

providing proper protection to them those who were facing discrimination. Rather on many occasion discriminations in the administration of justice was witnessed. In many cases police power was used for the enforcement of equality, but very often the activities of the police were infected by the germs of discrimination. As a result, “discrimination in law enforcement and the justice system can be a primary factor in preserving or promoting economic, state and private practices. In a vicious cycle, racial or descent-based economic, social and political marginalization generates discrimination in the action of the police and the judicial system, deepening social divisions and increasing that marginalization”.⁸ The rate of success in achieving the goal through Govt. administration can be imagined from this simple example that even though untouchability was abolished from the Indian Constitution in 1950 in December 1999 through a national campaign for Dalit Human Rights with a demand of abolishment of untouchability, a written petition was submitted to the Prime Minister with the signature of over 2.5 million people.

Not only has the attempt of government administration has failed to achieve the success in this front, but the NGOs have not proved to be satisfactory in this respect. The NGOs have not been able to achieve their target not because of the reason that they lack dedication but because of that reason that is beyond their jurisdiction. Thus, neither force nor persuasion could become effective to face the social evil properly. So, there is the necessity of finding some more effective ways to face the problem allowing the Govt. and NGO machineries to function in their own way.

It is felt that there is the necessity of bringing up a value-based society, where the radical inherent conservatism has to be replaced by rational attitudes and understandings. Such a type of education should be imparted which may help in this effort to develop the self-corrective and self-reflective awareness through the synchronization of individual conduct with the collective welfare.

If the Hindu Psyche has been highly influenced by its scriptures, for which it becomes difficult to accommodate some rational considerations in the same mental set up, the best possible way is to remove such stigma from that mental set up only with reference to those scriptures. No scripture is fully committed to blind faiths or completely away from moral considerations. In the ancient writings religions and moral considerations were not seen to be dealt with in an isolated manner. It is the job of the *darsanika*, while reviewing such scriptures, to bring to focus those moral issues setting aside the religious beliefs or dogmas, so that individual human understanding can be refined. The stigma formulated through some understanding of the scriptures from a religious standpoint can be removed by the proper

understanding of the moral issues emphasized in those scriptures. Unfortunately for centuries many religious fundamentalists have again and again interpreted the ancient literature only from a theological angle and have allowed the stigma to strengthen more and more. Many *darsanikas* have insisted upon the fact that scriptures lack rational footing, and have indirectly denied the philosophical and social significance of those scriptures. But it can be humbly suggested here that they should feel that their task should be reformative or reconstructive rather than criticizing.

To illustrate an example, in the *Bhagavad Gita*, it is said that the four *varnas* are created by the Lord, and he has assigned duties to them. The duty of *sudras* is to serve the people of the three other castes. In the same scripture it is also maintained that the basis of assigning the duty is efficiency-based. The *gunas* and *karmas* are taken into consideration in assigning the duty. It is also said that the performance of duty is the *manava dharma* and no other *dharma* is better than the *manava dharma*. The *manava dharma* paves the path for the *Loka kalyana*. So, the task of the *darsanikas* is to bring to lime light the unbiased and proper understanding of the scriptures which can influence the Hindu psyche on the moral aspects of the scripture rather than the religious dogmatic aspects. When the message that every individual shares the same divine spark, shares the same soul will be a matter of realization as the theme of the Indian scriptures, the consideration of equality, which is the essence of social justice and human rights, cannot be far off.

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