ABSTRACT
This article argues that despite their being Constitutional protection for the Dalit community, the members continue to face caste based discrimination. I analyse the humiliation suffered in context of recent incidents as well as its Cinematographic description.

INTRODUCTION
The recent incident of alleged gangrape of 19 year old woman from the Dalit Community in Hathras, Uttar Pradesh has generated a lot of furore as it throws light on the deep rooted discrimination and subjugation faced by the Dalit community at the hands of upper caste sections of the society. In the words of French anthropologist Louis Dumont, "the basis of the caste system is the age old distinction between purity and impurity based on the occupation of different castes as per the hierarchical system .... This distinction has dwarfed social transformation". Moreover, people have lost their lives. For example, in 2006, Scheduled Castes citizens were murdered in a small village named Khirlanji located in Bhandara District in the State of Maharashtra. The Bhandara Sessions Court in September 2008 had awarded death sentence to six people and two other were given life imprisonment which was later commuted to 25 years rigorous imprisonment while retaining the life imprisonment for the remaining two. Thus, in this context I shall discuss the humiliation suffered by the Dalit Community from a Constitutional perspective and its Cinematographic description.
Despite existence of Constitutional provisions like Articles 15;16;17 etc. that specifically deal with the weaker sections by prohibiting discrimination; providing opportunity in matters of public employment; abolishing the practice of untouchability and any act that enforces disability arising out of untouchability, the citizens of the country have become familiar with reading and hearing about various incidents, manifesting the cruelty and insensitivity faced by the Dalit community. One such incident happened in 2014, when Baba Ramdev made a comment that Rahul Gandhi goes for honeymoon and picnic with Dalits during his election campaigns, as a result he was booked under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989.

The unjust treatment meted out to the untouchable community can be explained through the views expressed by Artis, Doobay and Lgons, “Centuries of this ‘hidden apartheid’ that has perpetrated discrimination and denial of human rights, has resulted not only in Dalits representing a disproportionate amount of the poor in India, but also in the creation of numerous other obstacles that hinders Dalit’s ability to change their situation”.

When it comes to the Hathras incident, the impunity with which the policeman acted in performing the last rites of the 19 year old girl named Manisha Valmiki who passed away in Delhi on 29th of September manifests the total disregard of fairness, justice and due process as laid down under Article 21 of the Constitution. This incident is yet another example of the arbitrary power exercised by the police and violation of significant issues like rights of her parents and loved ones. Similarly, in Balrampur, a 22 year old woman died after being allegedly gang raped in the Gesadi village in Balrampur. These incidents are a merely the tip of the iceberg as the list of such incidents are in thousands which do not get covered by media. Although, mainstream media does not highlight these incidents in the REAL life, REEL life depicts it through cinema.

CASTE AND CINEMA
In India, the exhibition of films is administered through Section 5 B of Indian Cinematographic Act, 1952 and places restriction upon certification of films as per the reasonable grounds stated under Article 19 (2) which includes security of state; friendly relations with foreign states; public order; decency or morality; contempt of court or incitement to an offence.

The significance of cinema as a medium has been upheld by the Supreme Court through different case laws that have explicitly stated right of filmmakers and validity of restrictions placed on their freedom of expression. For instance, in the case of Directorate of Film Festivals vs. Gaurav Ashwin Jain, the right of filmmakers to make and exhibit films as part of their fundamental rights of freedom of speech and expression under Article 19 (1) (a) was upheld.

In recent times, cinema has been used as a medium to depict the caste based discrimination faced by the weaker sections of the society in movies such as Article 15; Serious Men etc. For example, the character played by Nawazuddin Siddiqui in the movie Serious Men who protects his child from the sufferings he had to go through encompasses the circle of discrimination from rural areas to urban cities. His character works in Mumbai where he is an assistant to a well-known scientist. When it comes to admission of his son, the
scientist refuses to assist him as he does not believe in special treatment for the particular community. Thus, he portrays his son more sharper than he actually is through unfair means. Such kind of behaviour clearly explains the state of mind of an urban Dalit who despite being part of the mainstream setup is not able to forgo his past and hence takes the wrong path to make himself and his family members socially acceptable.

THE WAY FORWARD
To conclude, the incident of alleged gangrape in Hathras adds to the list of caste based violence against Dalit women who are considered to be ‘oppressed’ within the oppressed classes and are used as means to establish the supremacy of the higher castes. In order to fulfil the aim of the protective legislations such as the Protection of Civil Rights Act, 1955 and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the social stigma which these communities face need to be addressed otherwise this battle for dominance will continue to persist.

About the author

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