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# JUDICIAL PROCESS: CASTE DISCRIMINATION, INTERSECTIONALITY, RATIONALISATION OF RESERVATION POLICIES, PRISONS, LIVELIHOODS, RELIGION, AND SOCIETY

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## ABSTRACT

Since the Varna system was set up, discrimination, exploitation, and violence based on caste have continued. In Indian society, Dalits are known as Scheduled Castes (SCs) and Scheduled Tribes (STs). These marginalised groups frequently endure the exploitation of dominant castes, which persistently erodes their human dignity. Instead of well-equipped legal instruments, they face severe discrimination; therefore, the judicial process in the light of access to justice for SC and STs gains significance for the better empowerment. This article upscales the application of legal instruments and several judicial processes dispensed to uphold constitutional rights. Thematic aspects such as caste-based forced labour, reservation debates, and abolition of untouchability, combating caste atrocities under the PoA Act 1989, caste-centric labour practice in correctional institutions, Apex Court's directions in the Sukanya Shanta vs Union India 2024 on forced labour in prison, and manual scavenging are systematically analysed. It may be construed that, despite a well-enabled legal order, the underprivileged SCs and STs still face several crucial setbacks; therefore, the judicial process of the last seven decades gains legal significance to uphold the dignity of the distressed people.

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**KEYWORDS:** Caste Discrimination, Atrocities, Reservation, Creamy Layer, Judicial Intervention, Temple Entry, and Empowerment.

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## 1. INTRODUCTION

Since the Varna system was set up, discrimination, exploitation, and violence based on caste have continued. In Indian society, Dalits are known as Scheduled Castes (SCs) and Scheduled Tribes (STs). They have faced many different kinds of discrimination. This hierarchical social structure, which is based on tradition, causes social unrest among the people. These marginalised groups frequently endure the exploitation of dominant castes, which persistently erodes their human dignity. Judicial and law enforcement institutions play a very important role in dealing with these complaints. But sometimes, these organisations are stopped by delays or not doing anything. Both international and national laws try to keep these weak groups from being treated unfairly. Human rights laws, the Prevention of Atrocities Against SCs and STs Act of 1989, and constitutional provisions all try to protect these groups from different types of harm. The legal research on the Judicial process on caste in various aspects of social and economic life of the Dalits, who are facing several legal setbacks due to poor application of laws. The critical notion of the article is to demonstrate the significance of the pertinent rulings that still need to be understood by the various stakeholders. One of the effective legal instruments to ensure human dignity is the PoA Act 1989; however, it is not implemented with the spirit that enacted. Several enabling policies are overlooked by the various stages, which include both dominant castes and institutions for the lapses. Discriminatory practices are visibly seen and encouraged by the government institutions, for instance, Sukanya Shanta's legal intervention to abolish and prevent caste-based discrimination in the allocation of work based on caste.

The constitution and specific legislation address caste discrimination by prohibiting bias, abolishing exploitative practices, and guaranteeing affirmative action for SCs and STs. Article 15 forbids caste discrimination and has specific provisions for the promotion of the Scheduled Castes and the Scheduled Tribes under clause (4) (The court noted that the authorised provision is a special one, not exclusive in nature, and thus, while promoting the advancement of certain classes, the State cannot justifiably neglect the progress of the

remainder of society. Article 15(4) permits the establishment of special provisions to advance the interests of weaker segments of society, so benefiting society as a whole. A provision that functions as an exception entirely excludes the remainder of society, which is evidently beyond the purview of Article 15(4). Refer to AIR 1963 SC 649). Article 17 abolishes untouchability and criminalises its enforcement. These fundamental rights constitute the basis for addressing caste-based exclusion. Articles 16(4), 330, and 332 stipulate reservations for Scheduled Castes and Scheduled Tribes in public employment and legislative positions according to population demographics. Article 46 mandates the state to promote the educational and economic interests of SC/ST communities while protecting them from injustice. Statutory laws, including the SC/ST (Prevention of Atrocities) Act and the Prohibition of Employment as Manual Scavengers Act, confront enduring violence and social hierarchy. Articles 243D and 243T mandate quotas in education, employment, and local governance to rectify historical caste disparities (Justice S. Ratnavel Pandian contended, in a concurrent yet distinct judgement in this matter: Unless 'caste' meets the fundamental criteria of social backwardness, along with educational and economic backwardness, which are the recognised standards for identifying the 'Backward Class,' a class, in and of itself, cannot be classified as backward classes of citizens under Article 16(4), except in specific exceptional circumstances where the caste is associated with the traditional occupation of the lower strata – showing the social backwardness. Justice S.R. Pandian in *Indra Sawhney vs. Union of India*, AIR 1993 (SC) 477). They together advocate for systemic transformation within India's social justice framework. Caste-based atrocities persist in India, with the SC/ST (Prevention of Atrocities) Act exhibiting conviction rates frequently below 30% due to systemic implementation deficiencies, including inadequate police training, substandard investigations, and misuse of anticipatory bail provisions. Witness intimidation via threats, extortion, or social ostracism obstructs testimony, whereas protracted judicial delays undermine confidence in the legal system and enable offenders to evade justice.

## 2. JUDICIAL RULINGS ON RESERVATIONS AND DISCRIMINATION.

**Table 1: Reservation in Education and Employment**

Year/Citation	Caselaw	Core Issue	Judicial Outcome
<b>Articles 15 and 16 Non/Discrimination &amp; Reservations</b>			
<b>A Reservations in Education &amp; Employment</b>			
1951 AIR SC 226, MANU/SC/0007/1951	State of Madras v. Champakam Dorairajan & Others	The Social Backwards caste benefits from affirmative action	Subsection (4) in Article 15 as 15(4)
AIR 1963 SC 649, MANU/SC/0080/1962	M.R. Balaji & Others v. State of Mysore	reservation in educational institutions	0% quantum reservations
AIR 1996 SC 1011, 1996(3) SCC 545, MANU/SC/0275/1996	Valsamma Paul v. Cochin University and Others	Reservation for SC/ST and OBC persons based on marriage from one caste to another.	acceptance to a community- as ground for reservation benefits
2004 INSC 644, AIR 2005 SC162, MANU/SC/0960/2004	E.V. Chinnaiiah v. State of Andhra Pradesh And Others	SCs Subclassification validity for Reservation	Subdivide the castes found in the Presidential List-reservation
LL 2021 SC 243, AIR Online 2021 SC 240, MANU/SC/0340/2021	Jaishree Laxman Rao Patil and Others v. The Chief Minister and Others	Maratha reservation and Backwards community	50% ceiling/ Non-violation of the basic structure AA 102
2024 SCC Online SC 1860, 2024 INSC 562, MANU/SC/0816/2024	The State of Punjab & Others v. Davinder Singh & Others	Is the sub-classification of the Scheduled Castes permissible	overturned the E.V. Chinnaiiah case. Subclassification contested SC ST

The Indian Constitution shows a strong commitment to equality by recognising the need for affirmative action to address historical injustices and socio-economic inequalities faced by marginalised caste communities. Reservation policies serve as key legal and policy tools to reduce discrimination against Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backwards Classes (OBC) in public education and employment, acting as a constitutional guarantee of equality (In 2025, the reservation percentages are as follows: SC: 15%, ST: 7.5%, OBC (Non-Creamy Layer): 27%, EWS: 10%, and PwD: 4% (horizontal reservation). These provisions pertain to all Central government positions unless specified otherwise. EWS offers a 10% reservation for unreserved applicants from economically weaker sections, defined as those with a yearly income below ₹8 lakh and lacking SC/ST/OBC membership. A valid certificate is required annually. Baez, Benjamin.

(1999). “The Supreme Court and Affirmative Action: Narratives About Race and Justice,” Saint Louis University Public Law Review: Vol. 18: No.2). Judicial actions under Article 15 of the Constitution, which bans caste-based discrimination, mainly focus on implementing reservations in educational admissions under clauses 15(4) and 15(5). At the same time, cases under Article 16 deal extensively with reservations in public employment, covering issues like promotions, roster management, and seniority. Most litigation in this area has been initiated by petitioners from dominant castes challenging affirmative action measures for SC and ST communities. This pattern can be traced from the early landmark case of State of Madras v. Champakam Dorairajan to the recent M. Nagaraj v. Union of India. Notably, the Champakam Dorairajan judgment led to the first amendment of the Constitution, which later authorised reservations in education.

**Table 2: Public Perceptions of Judicial Intervention and Application of Reservations Provisions**

Legal Thematic pointers on Article 15/16 Application/Implementation	Respon dents	Satis factory	Unsatis factory
Prohibits discrimination Article 15	120	45	75
Provision for Women and Children Article 15(3)	120	50	70
Reservation in educational institutions (special provisions) Article 15(4)	120	55	65
Reservation Private Educational Institutions 15(5) (93 AA, 2005)	120	28	92
Reservation to the economically weak sections Article 15(6), 16(6) 103 AA/2019 (EWS-10%)	120	97	23
Reservation in public employment 16(4)	120	33	87
Promotion/reservation Article 16(4A) Consequential seniority applied	120	23	97
Permits carry forward if unfilled, Article 16(4B)	120	14	106
Permits Religious institutions to appoint on their faith. Article 16(5)	120	42	78
Roster system applied/ Running account	120	32	88
Overall application of reservation to the SC.ST	120	25	95
Public Perception of application of case laws (on Reservations in education/employment	120	50	70

Field-based data collected from five states (Maharashtra, UP, Tamil Nadu, Kerala, and Andhra.

The jurisprudential debate surrounding reservations crystallised with *M.R. Balaji v. State of Mysore*, wherein the Supreme Court ruled that reservations in public employment should not exceed 50% (some states are exempted in special cases), thereby establishing a ceiling. This principle was upheld and refined in *Indra Sawhney v. Union of India*, a foundational ruling that not only reaffirmed the 50% cap but also introduced the 'creamy layer' doctrine (*M.R. Balaji & Others vs. the State of Mysore*, AIR 1963 SC 649). This doctrine excludes economically advanced members within marginalised caste groups from the benefits of reservation, a development that invites critical scrutiny given its potential to dilute the affirmative action framework, which fundamentally addresses caste-based social disadvantage rather than purely

economic status. Subsequent judicial pronouncements, notably in *State of M. Nagaraj*, emphasised that reservations must be based on demonstrable social and educational backwardness, especially in cases involving promotions. This judgment expanded the conceptualisation of reservation policies from merely ensuring proportional representation to actively rectifying structural inequalities. The more recent decision in *BK Pavithra v. Union of India* invalidated provisions for consequential seniority linked to reservations in promotion, citing the absence of mandated quantifiable data as stipulated in *M. Nagaraj*. The latest ruling, *State of Punjab v. Davinder Singh*, affirms the State's authority to subclassify groups within backward classes, thereby refining reservation policy implementation.

Table 3:

Year/Citation Caselaw	Core Issue	Judicial Outcome
<b>Reservations in Promotions</b>		
State of Kerala & Another v. N.M. Thomas & Others / AIR 1976 SC 490, MANU/SC/0479/1975	Reservations in promotions Article 16(4) is exception to Article 16(1)	Promotions for SC and ST employment.
R.K. Sabharwal and Others v. State of Punjab and Others / 1995 INSC 108, MANU/SC/0259/1995	Reservations in promotions and the roster method of implementation	Roster system/ Reservation of posts/ running account/
Indra Sawhney & Others v. Union of India & Others (The Mandal Case) (Mandal Commission) AIR 1993 SC 477; 1992 Supp 2 SCR 454	Promotion /Reservation for the Marginalised/ 50%limit Reservation	27%reservation to OBC. Creamy Layer to the OBC/
Ashok Kumar Thakur v. State of Bihar & Others / AIR 1996 SC 75, MANU/SC/0011/1996	Creamy layer determination of income or social advancement	Income Limit to the Creamy Layer/not social advancement
M. Nagaraj and Others v. Union of India and Others / 2006) 8 SCC 212, MANU/SC/4560/2006	Consequential seniority in the promotion of reservation -Validity 16(4A) in promotions with consequential seniority for SCs and STs.	The State's conferring discretion State makes reservations in promotions for SCs and STs was valid.
Jarnail Singh and Others v. Lachhmi Narain Gupta and Others / (2018) 10 SCC 396, MANU/SC/1053/2018	Review the Nagaraj case judgment To reassess the backwardness	Relevance of promotion in reservations to SCs- retained Nagaraj case
B.K. Pavitra and Others v. Union of India and Others / 2020 INSC 321, AIR 2019 SC 2723, MANU/SC/0738/2019	Reservations in promotions and consequential seniority for SC/ST persons	Reservation's thorough analysis of social backwardness. Public equity
Janhit Abhiyan v. Union of India / [2022] 14 SCR 1; 2022 INSC 1175; MANU/SC/1449/2022	Reservation for Economically Weaker Sections	EWS/ 10 % 103 Amendment Excludes OBC

### 3. PRACTICE OF UNTOUCHABILITY.

During the fourth decade of free India, the Honourable Court observed that "It is regrettable that forty years after the Father of the Nation sacrificed his life advocating for the abolition of untouchability and embodying its principles, we continue to engage in discussions on this issue, necessitating judicial directives to ensure adherence to the beneficial provisions established for the eradication of untouchability." This indicates that the mere implementation of a law or the assurance of a right under the Constitution of India is insufficient; the requisite transformation must occur within our hearts, not elsewhere. The voluntary acceptance by society is the only definitive assurance for the elimination of any social malady. The approval must be unequivocal and genuine, not a mere front. The issue confronting us stems not from the legal rejection of Harijan equality, but from a reluctance and refusal to acknowledge, with integrity, that which we cannot openly

contest or repudiate. Consequently, it is imperative that the principle asserting all individuals are born free and equal be embraced by society itself, rather than solely by governmental institutions. The state agency operates solely through human intermediaries. Despite several efforts to ameliorate the socioeconomic situations of SCs and STs, they remain vulnerable. They are denied a number of civil rights and face a variety of offences, indignities, humiliations, and harassment. They have lost their lives and possessions in a series of terrible incidents. Serious crimes are carried out against them for a variety of historical, social, and economic reasons. The Preamble of the Act states that the Act is 'to prohibit the commission of atrocities against members of Scheduled Castes and Tribes, to provide for Special Courts for the trial of such acts, and to give relief and rehabilitation to victims of such offences, and for matters connected therewith or incidental thereto.

**Table 4: Judicial and Legal Action on Prevention and Abolition of Untouchability**

<b>Institutional Untouchability</b>	<b>Respondents</b>	<b>satisfactory</b>	<b>Unsatisfactory</b>
Ritual and Religious Forms	100	23	77
Spatial and social segregation	100	14	86
Livelihood and economic forms	100	8	92
Political institutions	100	16	84
Educational Institutions	100	17	83
Service-related Institutions	100	29	71
Judicial Institutions	100	67	33
Prison and correctional institutions	100	34	66
Entertainment industries	100	54	46

The practices of untouchability directed towards individuals based on their caste are intricately linked to concepts of purity, pollution, and defilement. The practice of untouchability served not only to maintain physical distance and exclude individuals from specific spaces but also manifested in various forms of discrimination, including economic and social boycotts. Boycotts would encompass the cessation of economic interactions, including avenues for income generation, food procurement, and financial borrowing. Furthermore, they would extend to domains where marginalised individuals held enforceable public legal rights, such as access to footpaths, roads, wells, tanks, and their compensation as village labourers, among others.

The movement for social reform aimed at eliminating discrimination based on caste status and the practice of 'untouchability' commenced well in advance of the Constitution's formulation. Dr. Ambedkar put forth a series of essential rights aimed at safeguarding the interests of Scheduled Castes and Scheduled Tribes, one of which advocated for the abolition of untouchability, a measure perceived as fostering equality in citizenship. The call for the abolition of untouchability was accompanied by a strong advocacy for the right to equality and the eradication of discrimination stemming from this

practice (Supreme Court of India, Handbook Concerning Persons with Disabilities (Centre for Research & Planning, Supreme Court of India, September (2024)).). The Constituent Assembly engaged in extensive deliberation regarding the definition of 'untouchability,' raising pertinent enquiries about whether practices targeting women during menstruation, individuals afflicted with leprosy, and those subjected to quarantine would fall within the scope of this term. Article 17 was ultimately resolved to be articulated in a manner that allows for flexibility, with the term 'Untouchability' remaining undefined and presented in inverted commas, capitalised for emphasis. The discriminatory practices associated with untouchability, which were discussed during the Constituent Assembly debates, continue to persist in contemporary India. Caste-based untouchability persists, alongside various other manifestations of untouchability. Segregation practices continue to be imposed on women due to menstruation, an issue that falls within the scope of Article 17. The judiciary has been instrumental in influencing both the comprehension and implementation of the eradication of untouchability (Pavadai Gounder & Others v. State of Madras & Others, AIR 1973 Mad 458, MANU/TN/0202/1973.).

**Table 5: Judicial Rulings on Abolition of Untouchability**

<b>Caselaw</b>	<b>Core Issue</b>	<b>Judicial Outcome</b>
1964 KLT 1015, MANU/KE/0403/1964, Ramachandran Pillai v. State of Kerala. (Brown v. Board of Education case)	Separate Class for SC students. S 5(b) of the Untouchability (Offences) Act, 1955 ("Act")	Enforcement of the abolition of untouchability S 12 Applied/ RTE2009 Initiated
AIR 1973 Mad 458, MANU/TN/0202/1973, Pavadai Gounder & Others v. State of Madras & Others (Setting up a Harijan Colony under LA)	Right to protection from the practice of untouchability/Harijan colony form, Land acquisition challenged under Article 17	The Court rejected the Article 17 contention on prohibited 'practices'.
AIR 1989 RAJ 99, MANU/RH/0011/1989 Surya Narayan Choudhary & Etc v. State of Rajasthan	Access to the temple for Harijans / SCs should be purified Nathwara Temple	Denial of temple entry is unconditional/ violative -Article 17
AIR 1993 SC 1126, MANU/SC/0151/1993 State of Karnataka v. Appa Balu Ingale & Others	Offences of untouchability / PCR 1955/ Attacking SC for collecting water from public borewell	Article 17 is to liberate society / customs, practice that encourages untouchability, void
AIR 2002 SC 3538, MANU/SC/0862/2002 N. Adithayan v. The Travancore Devaswom Board and Others	Managing the religious affairs / non-Brahmins as Archakars	Non-Brahmin Archakars appointment / Knowledge is important, not caste.
2022 (2) MWN (Criminal) 321; MANU/TN/4054/2009 P. Rathinam v. State of Tamil Nadu & Others	Separate cremation ground for SCs	Dignified cremation/ Noncompliance of Article 17
2024 INSC 753; MANU/SC/1084/2024 Sukanya Shantha v. Union of India & Others	direct and indirect practice of Untouchability in prison	Abolition of untouchability in prison/ revision of prison manuals/ prevention of caste-based work in prisons

**4. JUDICIAL RULINGS ON THE PREVENTION OF ATROCITIES.**

“Over 160 million Untouchables- or Dalits- are subject to different forms of discrimination: they are denied access to places of worship, clean water, housing, and land; their children are still kept out of, or ill-treated within, schools; they are forced into menial and degrading occupations, notably manual scavenging; and, despite a governmental policy of affirmative action, they remain largely excluded from the country’s businesses, educational establishments, judicial services, and bureaucracy. Dalits are raped and

murdered for daring to aspire to land, electricity, drinking water, and to non-Dalit partners. Inter-caste marriages, especially those between lower caste men and women of higher castes, result in murders, kidnapping, and the public punishment of such men and (often) the women involved. Dalit women remain subject to constant sexual assault by upper-caste men. In general, caste segregation shapes India’s rural landscape, as well as large parts of its urbanity.” (Loomba, A. The Everyday Violence of Caste. *College Literature* 43(1), (2016).220-225.)

**Table 6: Status of the Enforcement -Prevention of Atrocities-SCs/STs-1989.**

Year	Caselaw	Core Issue	Judicial Outcome
<b>Enforcement of the PoA Act</b>			
109 (2004) DLT 915, MANU/DE/0085/2004	Daya Bhatnagar & Others v. State	Public view would be satisfied whenever the persons present are independent and impartial towards any of the parties.	The Court recognised the public view under the SC/ST (PoA) Act,
2008 INSC 941, MANU/SC/7954/2008, 2008 (8) SCC 435	Swaran Singh & Others v. State through its Standing Counsel & Another	Calling a person “Chamar” would amount to an offence under/ SC ST PoA1989. Section 3(1)(x) of the SC/ST (PoA) Act, 1989	The term “chamar” to insult, abuse and deride persons caste is highly offensive and is only used to humiliate and insult someone
MANU/MH/0036/2010	Rajendra Shrivastava v. The State of Maharashtra	SC women's protection after marriage in a dominant caste / Abuse of Husband. Relatives	Even after marriage, caste identity remains, should be protected under the SCs/STs PoA
2011 INSC 15; MANU/SC/0011/2011	Kailas and Others v. State of Maharashtra T.R. Taluka P.S.	Convictions set aside on hyper-technical grounds. acquitted the Accused / no caste certificate	convictions under the SC/ST (PoA) Act cannot be overturned on hyper-technical grounds/ upheld the conviction
AIR 2017 SC 132, 2017(2) SCC 432, MANU/SC/1615/2016	National Campaign on Dalit Human Rights & Others v. Union of India & Others	Non-compliance of the PoA Act/ continued atrocities, non-registration, delays, lapse in investigation and lack of compensation	No concrete directions were issued by the Court in this case
(2017) 14 SCC 304, AIR 2017 SC 2716, MANU/SC/0440/2017	State of Bihar and Others v. Anil Kumar and Others	Overlooked S7, Lower rank office less (than DYSP) Investigating cases	Ranks less than DySP/ Inspector, SI allowed with supervision.
MANU/DE/1823/2017, 2017 SCC OnLine Del 8942	Gayatri @ Apurna Singh v. State & Another	Use of casteist slurs on Facebook constitutes an offence if mentioned without any name/ body	FIR was withdrawn Since Facebook doesn’t mention any specific names.
2021 INSC 674; MANU/SC/0983/2021	Shantaben Bhurabhai Bhuriya v. Anand Athabhai Chaudhari and Others	Other than the special court of PoA heard cases/ S14	If the case is not filed under the social courts, PoA / S14 doesn’t have exclusive jurisdiction
AIR 2021 SC 5610, MANU/SC/1008/2021	Hariram Bhambhi v. Satyanarayan and Others	Right of the victim to be heard at every stage of the proceedings under the SC/ST PoA.	Implementing Section 15A(3) of the SC/ST (PoA) Act

The states with the highest incidence of offences were Uttar Pradesh (34 instances), Madhya Pradesh (15 cases), and Tamil Nadu (8 cases) (The Government of India periodically issues advisories to State Governments and Union Territory Administrations for the efficient implementation of the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. States have reported misuse in accordance with applicable legal rules. The National Crime Records Bureau (NCRB) aggregates and disseminates statistical data on criminal activities in its publication titled ‘Crime in India’. The

published reports are accessible till the year 2023. According to the report from the NCRB, 307,355 cases are pending in court under the SC/ST (PoA) Act, 1989, and 965 cases are pending under the PCR Act, 1955.). This calculation aligns with NCRB data reported by the Deccan Herald, indicating that approximately 97.7 per cent of all atrocities against Scheduled Castes in 2022 were documented in 13 states, with Uttar Pradesh, Rajasthan, and Madhya Pradesh exhibiting the highest incidence of such crimes, according to a government report (NCRB data 2023, 2024, Government, India). In 2022, of the 51,656 instances recorded under the law for Scheduled

Castes (SCs), Uttar Pradesh represented 23.78 per cent with 12,287 cases, followed by Rajasthan with 8,651 cases (16.75 per cent) and Madhya Pradesh with 7,732 cases (14.97 per cent).

**Table 7:**

Year	Caselaw	Core Issue	Judicial Outcome
<b>Anticipatory Bail under PoA</b>			
AIR 1995 SC 1198; MANU/SC/0239/1995	State of M.P. & Another v. Ram Kishna Balothia & Another	S-18/ challenge of constitutional Validity under Article 14	The denial of anticipatory bail was not a violation of Article 14
(2012) 8 SCC 795, MANU/SC/0732/2012	Vilas Pandurang Pawar & Another v. State of Maharashtra & Others	S-18 PoA violates Article 14/21	Section 18 of the SC/ST (PoA) Act, anticipatory bail is not applicable
(2014) 15 SCC 521; MANU/SC/0407/2013	Shakuntla Devi v. Baljinder Singh	Power of Courts to grant anticipatory bail under the SC/ST (PoA) Act	granting anticipatory bail must record reasons/Section 3(1) of the SC/ST (PoA) Act.
AIR 2018 SC 1498, MANU/SC/0275/2018	Dr. Subhash Kashinath Mahajan v. State of Maharashtra and Another	Do the provisions of the SC/ST (PoA) Act, which deny anticipatory bail and confer broad arrest powers, constitute an abuse of the legal process?	no automatic arrest should take place under the Act, and to avoid any false implication under the law,
AIR 2019 SC 4917, MANU/SC/1351/2019	Union of India v. State of Maharashtra and Others	Are the directions issued in Subhash Kashinath Mahajan valid? Review	The Court thereby overruled the directions requiring prior approval for arrests and preliminary inquiries.
MANU/DE/1129/2020	Naresh Tyagi v. State of NCT of Delhi	Grant of Anticipatory Bail where a prima facie case of offence is made out	evidence to be analysed further to determine whether an offence under the SC/ST (PoA) Act was committed.
AIR 2020 SC 1036; MANU/SC/0157/2020	Prathvi Raj Chauhan v. Union of India and Others	Section 18-A of the Act stated that there would be no requirement for a preliminary enquiry or approval for the arrest of a person who had been accused of committing a	Section 18-A was inserted/Section 18-A, arguing that the amendment had been enacted to nullify the decision of the Supreme Court in Subhash Kashinath Mahajan and was therefore invalid.
2024 INSC 625, MANU/SC/0936/2024	Shajan Skaria v. The State of Kerala and Another	Is the prohibition on anticipatory bail under Section 18 of the SC/ST (PoA) Act, 1989, absolute in nature?	refused to grant anticipatory bail as per S.18 of the Act.

There has been debate about anticipatory bail, and courts have said that the ban in Section 18 is not absolute. In *Vilas Pandurang Pawar v. State of Maharashtra*, the Supreme Court said that Section 18's ban on granting anticipatory relief only applies when the complaint or FIR clearly shows a specific violation of the Act, like insult or intimidation meant to humiliate. In the case of *Subhash Kashinath Mahajan v. State of Maharashtra*, the Court limited the police's power to register complaints and make arrests under the SC/ST (PoA) law. This ruling underlined the need to show a prima facie case to use the prohibition on anticipatory bail. Because of this, Parliament passed Section 18A of the Scheduled Castes and Scheduled Tribes (Amendment) Act, 2018 (Report on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for the year 2024. The Ministry of Social Justice and Empowerment, Government of India, published this report in the year 2024. The Report concerning the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was published in 2025.). This removed the need for arrest approval and restated the ban in Section 438 of the CrPC for instances under the Act. The decision in *Subhash Kashinath Mahajan v. State of Maharashtra* was later overturned, but the constitutionality of Section 18A was upheld in *Prathvi Raj Chauhan v. Union of India*.

*Shajan Skaria v. State of Kerala* in 2024 confirmed this by saying that the ban in Section 18 applies when there are reasons to assume that a crime under the Act has been committed, which allows for a legal arrest. This part shows how courts have interpreted the law that says you can't give anticipatory bail in situations of atrocities under Section 3(1) of the SC/ST (PoA).

## 5. MANUAL SCAVENGING PROHIBITION.

The practice of manual scavenging persists in modern India, underscoring the societal inadequacy in addressing caste-based occupational hierarchies, accompanying discrimination, and human rights infringements. Even as lawmakers and NGOs work hard to stop this practice, it is still making little progress. In many situations, the labour goes on under the guise of sanitation, and workers often lack the proper safety gear. Authorities' systemic denial and vague definitions have made this cruel practice even more common. The lives of manual scavengers illustrate a complex form of hardship that transcends economic fragility and encompasses significant social marginalisation. We demand that this practice be completely stopped, because no one should have to go through such humiliation.

One of the most significant cases is *Safai Karmachari Andolan & Others vs. Union of India & Others* (2014)50. In this case, the Supreme Court's

ruling in favour of the petitioners marks a significant step towards eradicating the inhumane practice of manual scavenging, described as an "obnoxious practice of manual scavenging across the country, a practice squarely rooted in the concept of the caste system and untouchability" (Supreme Court of India, 2014) (Chitransh S. (2024)). The intersectional oppression of Dalit women manual scavengers: A critique of the legislative and judicial discourse [Doctoral dissertation, National Law School of India University].). The judgment underscores the deep-seated issue of caste-based discrimination that perpetuates this practice, violating fundamental rights enshrined under Article 14 (Right to Equality), Article 17 (Abolition of Untouchability), and Article 21 (Right to Life and Personal Liberty), as well as international conventions such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which India

is a signatory (Jain S., & Sapre A. A. (2025). Breaking the chains of discrimination: An assessment of India's legal framework and rehabilitation initiatives for manual scavengers. *Social Identities*, 31(1), 23–41.). The Court addressed the persistent issue of manual scavenging, which continues despite the enactment of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, and its successor, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. The Court noted that over 1.2 million manual scavengers were still active as of 2014, highlighting governmental failure in enforcement. The judgment mandated the complete eradication of manual scavenging and directed the government to identify and rehabilitate all individuals engaged in this practice.

**6. MANUAL SCAVENGING-JUDICIAL PROCESS.**

*Table 8:*

Year Caselaw	Core Issue	Judicial Outcome
Safai Karamchari Andolan & Others v. Union of India & Others, 2014 INSC 212, 2014(4) SCALE165, [2014] 4 SCR 197,	The right of sewage workers to live with equality, dignity, and freedom from untouchability and forced labour.	Rs. 10 Lakhs for manual scavenging and reinforced the state's responsibility to eradicate this practice.
Smt. Ramadevi v. The State of Karnataka 2015 SCC Online Kar 6007	The right to compensation and compassionate appointment for the family of deceased manual scavengers under the 2013 Act.	justice for manual scavengers not only just monetary compensation but also address systemic exploitation, ensure rehabilitation, and uphold dignity.
Chinnamma & Other. v. State of Karnataka & Others, MANU/KA/0118/2016	compensation, rehabilitation, and constitutional protections for families of manual scavengers under the 2013 PEMSRA.	Ordered to give additionally 8lakh besides the 2 lakh paid earlier. (failed to provide the judicially mandated amount of Rupees 10 lakhs)
The Secretary to the Government of Tamil Nadu, Municipal Administration & Water Supply Department & Others v. Valaiyakka & Others, MANU/TN/0667/2016	State to pay compensation irrespective of the place of death/. right to the dignity of manual scavengers/ no compensation was granted, leading to the writ petition.	The state is primarily responsible for compensating victims and can recover the amount from liable private parties.
National Institute of Rock Mechanics v. Assistant Commissioner & Executive Magistrate, Kolar Sub-Division & Others,2017 (4) AKR 757, MANU/KA/1843/2017	The right to file complaints and FIRs against manual scavenging. State authority to take proactive measures to eliminate manual scavenging	The responsibility of employers is to prevent manual scavenging even when the work is outsourced to contractors.
Change India v. Government of Tamil Nadu & Others MANU/TN/2579/2018	Timely compensation for the loss of life/ delay in releasing compensation	The Court directed the State of Tamil Nadu to pay interest at the rate of 8% per annum, from October 1, 2014
Elumalai v. The State, MANU/TN/4188/2022	Right to Work with Safety and Dignity. quash criminal proceedings arising from the death	The Court dismissed the petition, ruling that there was sufficient prima facie evidence to proceed with the trial.
Shri Sumanth v. The State of Karnataka No. 49799 of 2019, decided on May 26, 2022	The right to due process under the 2013 Act specifically concerns the proper procedure for initiating legal action. Directing an individual to enter a manhole for maintenance work.	The Court declined to address whether Sumanth's actions constituted a violation of the Act, as the procedural lapse itself was sufficient to nullify the proceedings.
A Nagarajan v. Union of India No. 24289 of 2016, decided on December 19, 2022	human dignity and life, specifically regarding the continued practice of manual scavenging. lack of proper implementation and rehabilitation schemes for manual scavengers	The court issued comprehensive directions. / stringent action/ protective and safety equipment/ create awareness about the perils/
Balram Singh v. Union of India & Others 2023 INSC 950, 2023(14) SCALE803, MANU/SC/1183/2023	The implementation of the PEMSRA. Provide compensation to victims' families	constitutional commitment to eradicate manual scavenging and ensure dignity and safety
Safai Karmachari Andolan v. Union of India & Others, MANU/TN/2299/2024	Manual scavengers' right to be free from hazardous work.	The Court ordered a phased eradication by 2026. Manual scavenging is a violation of human dignity

Another notable case is National Campaign for Dignity and Rights of Sewerage and Allied Workers v. Union of India (2011)<sup>52</sup>. In this case, the Supreme Court highlighted the hazardous working conditions faced by sewerage workers, who often lose their lives due to asphyxiation or exposure to toxic gases like hydrogen sulphide. The Court underscored the state's obligation to ensure the safety and dignity of these workers, directing the government to provide adequate protective gear, training, and insurance coverage (National Campaign for Dignity and Rights of Sewerage and Allied Workers v. Union of India (2011)<sup>52</sup>). The judgment also called for the mechanisation of sewer cleaning to minimise human involvement in such dangerous tasks, noting that only 20% of urban local bodies had adopted such technology by 2011. The Supreme Court upheld the orders of the Delhi High Court, which directed the Delhi Jal Board and other agencies to take comprehensive measures to safeguard the lives of sewage workers. The High Court had previously ordered the provision of free medical treatment, the issuance of protective equipment, compensation to the families of deceased workers, and the establishment of a committee to oversee compliance. The Supreme Court dismissed the Delhi Jal Board's appeal, affirming the High Court's jurisdiction to enforce these measures under the Constitution's directives, reinforcing the judiciary's role in protecting vulnerable workers.

The Supreme Court added that to eradicate the practice of manual scavenging and prevent future generations from engaging in this inhuman activity, the rehabilitation of manual scavengers must include: Entering sewer lines without safety gear should be criminalised, even in emergencies. In case of a sewer death, the family of the deceased should receive compensation of Rs. 10 lakhs (later increased to Rs. 20 lakhs in 2023 via a subsequent order). A time-bound strategy should be implemented to end manual scavenging on the tracks (Ministry Social Justice report, 732 districts report themselves as Manual Scavenging-Free. Rs 371 crore approved for release to States, under Swachh Bharat Mission (Urban 2.0), for smaller towns to acquire machines and improve their state of mechanisation). Persons freed from manual scavenging should not face obstacles in receiving their legal entitlements. Safai Karmachari women should receive support for dignified livelihoods, in accordance with their chosen livelihood schemes. Identify the families of all individuals who died performing sewage work (in manholes and septic tanks) since 1993 and provide compensation of Rs. 10 lakhs for each death to dependent family members.

As of 2021, over 900 such deaths had been documented, though compensation disbursement remains inconsistent (NCSK, 2021). The Court established that rehabilitation must be grounded in the principles of justice and transformation, urging a shift from tokenism to systemic change.

## 7. INTERSECTIONALITY, CASTE, AND GENDER.

Both men and women are victims and offenders in 'honour' killings, which cross caste, generational differences, educational level, and regional identity. In recent years, victims, primarily women and people from 'lower' castes, have acquired access to education and employment to improve their lives. They are currently participating in decision-making processes and opposing norms that were previously seen as 'tradition', notably the use of violence to repress their pursuit of equality and, as a result, autonomy (Government of India, Ministry of Home Affairs Advisory, on 4th September 2023. In the advisory to state governments, Hansraj Gangaram Ahir, Minister of State in the Ministry of Home Affairs, announced that the Government had prescribed special cells to look into matters of honour-related crimes. these cells would be overseen by the Superintendent of Police, the District Social Welfare Officer and a District Adi-Dravida's Welfare Officer in each district in an attempt to remedy and curb the threat of honour-related violence.). Their growing protests against discriminatory practices and societal norms have made them targets of violence by higher castes, who see their assertion as a threat to their hegemonic dominance. The cruelty connected with avenging inter-caste and intra-gotra marriages in rural areas has become widespread enough to attract media attention in cities. The research on victims and perpetrators of 'honour' killings challenges gender stereotypes that depict women as timid and men as violent. Nonetheless, sexism has an impact on women, even those who commit crimes. The assertion of daughters' autonomy in marriage is portrayed to their families and communities, which include both men and women, as a decrease of values such as shame, decency, and modesty—characteristics usually attributed to women in a patriarchal setting. The idea of women's proclivity for promiscuity is a patriarchal construct intended to limit their participation in personal decision-making and life choices. Patriarchy remains in family structures and village governments. Nonetheless, not all males from the 'higher' castes viewed inter-caste marriages as a threat to the honour of their community or their women. Not all inter-caste couples face extreme violence.

Table 9:

Caselaw	Core Issue	Judicial Outcome
Lata Singh v. State of U.P. & Others/2006 INSC 407; MANU/SC/2960/2006	Entering into inter caste marriage / false police report/ Threats and harassment against individuals for marrying outside their caste were illegal	quashed the criminal proceedings/ free to marry anyone of her choice/strict legal action/ Reinforced the constitutional right to marry
Mayakaur Baldevsingh Sardar and Another v. The State of Maharashtra/ (2007)12 SCC 654, MANU/SC/7994/ 2007	Instances of honour killing are rare among the rarest / warranting the death penalty	The High Court expressed reluctance to award the death penalty
Bhagwan Dass v. State (NCT) of Delhi /MANU/SC/0568/2011; (2011) 6 SCC 396	Honour killings fall within the rarest of rare cases, warranting the imposition of the death penalty.	whatever the reason for such brutal acts of violence, they fall within the rarest of rare cases for which the death penalty must be imposed.
B. Dilipkumar v. The Secretary to Government /MANU/TN/2353/2014	Protection of couples in inter-caste marriages and the duty of Police Officials/ The court ordered that the case be transferred to the CBL,	Crimes of honour-killing are often portrayed as suicides or death by accident, and this case is indicative of how State institutions are also complicit in caste-atrocities
Vikas Yadav v. State of Uttar Pradesh and Others / (2016) 9 SCC 541, MANU/SC/1167/2016	Whether the Court can impose a fixed term sentence in case of honour killings?	The High Court upheld the conviction and imposed a fixed sentence of 25 years of imprisonment without remission
Shakti Vahini v. Union of India & Others /AIR 2018 SUPREME COURT 1601; 2018(3) SCC (CRI) 1, MANU/SC/0291/2018	right to marry a partner of one's choice and freedom to enter inter-caste marriages.	To identify districts, subdivisions, and/or villages that have experienced honour crimes, and increase surveillance
Gaurav Jain v. Union of India & Others /1997 INSC 547; MANU/SC/0789/1997	Rights of sex workers, Devadasis, and their children to live with dignity. / State to establish and make available juvenile homes for children of devadasis.	The court held that it was necessary to enforce provisions of various statutes that aim to protect and rehabilitate devadasi women and their children
MANU/SC/0242/2014; 2014 INSC 227; AIR 2014 SC 2816	Honour killing of persons in inter-caste relationships/ The Chief Secretary of the State is to submit a detailed report on the incident.	it was also held by this Court that all governmental hospitals and local bodies are statutorily obligated to provide medical services free of cost for offences.
Patan Jamal Vali v. State of Andhra Pradesh / (2021) 16 SCC 225; 2021: INSC:272; MANU/SC/0323/2021	Justice for 100% visually impaired rape victims. Right to protection against discrimination and violence for individuals from marginalised groups with disabilities.	the victim in this case, who is a person with disability, a woman, and belonging to a scheduled caste, is in a uniquely disadvantaged position.

*“One may feel 'My honour is my life', but that does not mean sustaining one's honour at the cost of another. Freedom, independence, constitutional identity, individual choice and thought of a woman, be a wife or sister or daughter or mother, cannot be allowed to be curtailed, definitely not by application of physical force or threat or mental cruelty in the name of his self-assumed honour. That apart, neither the family members nor the members of the collective have any right to assault the boy chosen by the girl. Her individual choice is her self-respect, and creating a dent in it is destroying her honour. And to impose so-called brotherly or fatherly honour or class honour by eliminating her choice is a crime of extreme brutality, more so when it is done under a guise. It is a vice, condemnable and deplorable perception of "honour", comparable to medieval obsessive assertions.” – Justice Dipak Misra in *Vikas Yadav v. State of Uttar Pradesh**

## 8. CASTE PRACTICE FORCED LABOUR IN PRISON IS COLLATERAL DAMAGE TO THE CORRECTIONAL INSTITUTION.

In a historic verdict in 2024, the Supreme Court of India invalidated clauses in various state jail manuals that upheld caste-based discrimination, including assigning menial jobs like sweeping to Scheduled Castes (SC) offenders. On October 3, 2024, in *Sukanya Shantha v. Union of India*, a judgment delivered by a bench led by Chief Justice D.Y. Chandrachud declared these practices unconstitutional under Articles 14 (equality), 15 (non-discrimination), 17 (abolition of untouchability), 21 (life and dignity), and 23 (prohibition of forced labour). No major rulings from 2025 have overturned this; however, the Court has extended compliance deadlines. The Court struck down regulations in prison manuals from states such

as Uttar Pradesh, West Bengal, Madhya Pradesh, Andhra Pradesh, Odisha, Kerala, Tamil Nadu, Karnataka, Rajasthan, and Himachal Pradesh that classified prisoners by caste for labour and privileges. It rejected colonial-era ideas of "purity and pollution," asserting that dignity under Article 21 also applies to inmates and supports rehabilitation (*Sukanya Shantha v. Union of India (2024 INSC 753)*, 2024). Denotified tribes were protected from being classified as "habitual criminals," and dangerous occupations like sewer cleaning were banned without protective gear (Oxford University Human Rights Hub, *Caste Discrimination in Indian Prisons Case – Part 1*, 2024). The Court ordered that States and Union Territories revise prison manuals within three months (extended until 2025) and submit compliance reports through the National Legal Services Authority (NALSA). It also mandated removing caste references from criminal and undertrial registers. Ensure equal task allocation regardless of caste, and abolish segregation in barracks or labour. This verdict dismantles caste hierarchies in jails, promoting constitutional equality for marginalised groups such as the Scheduled Castes, Scheduled Tribes, and denotified tribes. It calls for comprehensive reforms, signalling judicial intolerance for prejudice in detention environments.

**Ultimate Directives:** In *Sukanya Shantha v. Union of India (2024 INSC 753)*, the Supreme Court directed states and Union Territories to amend jail manuals within three months to eradicate caste-based discrimination, subsequently providing compliance reports (On 3 October 2024, a Division Bench of Chief Justice D.Y. Chandrachud and Justices J.B. Pardiwala and Manoj Misra delivered a judgment directing the Union government and states to revise their prison manuals and rules to address caste-based discrimination in prisons. It noted that existing manuals and rules, as they stood, violated Articles 14, 15, 17, 21, and 23.). These amendments address clauses that allocate responsibilities such as sweeping or cooking according to caste, limit managerial positions, or enforce privilege segregation. It has been one year has passed; however, the directions were hardly implemented by the correctional institutions.

- SC ordered to eliminate caste references in the correctional institutions, strictly eliminate the "caste" column from all inmate records, encompassing both convict and undertrial registries.
- Revise prejudicial regulations, eradicate stipulations that sustain caste hierarchies, like the allocation of menial tasks (e.g., sanitation) to Scheduled Castes or the prohibition of specific castes from supervisory or night guard positions.
- Implement egalitarian practices, allocate prison

responsibilities and barracks assignments without regard to caste, dismissing concepts of "purity and pollution" or "habitual" stereotypes associated with denotified tribes.

- The Apex Court directed the National Legal Services Authority (NALSA) as the nodal agency to supervise the deletion of caste-based ledger, works, and duties; states are required to submit reports following revisions strictly without falsification.
- SC instructed that for periodic inspections, the District Legal Services Authorities and the Board of Visitors shall do regular evaluations of prisons to identify ongoing discriminatory practices and publish their results.
- In adherence to the update on the Model Act, the Union Government is requested to include clear provisions against caste discrimination in the Model Prisons and Correctional Services Act, 2023.
- The Supreme Court mandated the elimination of discriminatory practices such as caste-based employment allocation, with execution linked to comprehensive updates of the prison handbook supervised by the National Legal Services Authority (NALSA).
- Procedural Steps for Implementation and Modification of Registers. All correctional authorities are required to eliminate the caste column from all current registers, either physically or digitally; states such as Tamil Nadu have commenced this procedure in accordance with directives from home departments.
- The Court emphasised on November 7, 2024, that the deletion of information did not impede the National Crime Information Bureau's (NCRB) demographic data gathering, permitting ongoing aggregation from pre-deletion records or alternate sources for statistical purposes.
- Compliance Reporting that States have to provide updated manuals and implementation affidavits to NALSA, which assembles joint status reports; the Court initiated *Suo Motu* cognisance in discrimination inside Prisons in India for oversight purposes.
- The deletion has sparked concerns regarding the tracking of caste demographics for policy purposes, leading to a clarification in November; certain states, such as Telangana, are awaiting more government directives. By early 2025, the Union Home Ministry revised the Model Prison Manual (2016) and the Model Prisons Act (2023) to ensure alignment, with the Court granted final compliance extensions during partial implementation. District Legal Services

Authorities perform inspections to ensure compliance.

- It nullified discriminatory clauses in state jail manuals, requiring their removal and equitable distribution of responsibilities such as sweeping or cooking, irrespective of caste.
- Essential Directives for Affected Inmates Immediate Suspension of Practices: Abolish caste-based segregation in housing, labour assignments (e.g., relegating sanitation duties to lower castes), and privileges (e.g., exclusion from supervisory positions); implement rotation of hazardous work with appropriate protective equipment.
- Uphold dignity under Article 21 by implementing equitable work allocation, facilitating reintegration for Scheduled Castes, Scheduled Tribes, and denotified tribes designated as "habitual offenders".
- States are required to update manuals within three months (with possible extensions), submit affidavits to NALSA for oversight, and facilitate frequent inspections by District Legal Services Authorities to ensure compliance and rectify infractions. The Court advocated for Union modifications to the Model Prisons Act, 2023, incorporating anti-discrimination provisions for ongoing protection.

**9. ACCESS TO LAND AND WELFARE.**

SCs and STs require a multidimensional approach that addresses social, economic, educational, and political issues. Affirmative action, scholarships, and employment programs have helped rural SCs and ST communities, but caste-based discrimination and exclusion persist. Empowerment efforts are delayed and difficult to continue due to social stigma and constraints like untouchability and insufficient resources (Soosai & Others v. Union of India & Others, AIR 1986 SC 733, MANU/SC/0045/1985). They are typically forced to work menial jobs and lack land, credit, and entrepreneurial prospects, which worsens their economic exclusion. Caste-based politics and inequities in rural education have further hindered their social participation. SC and ST communities can overcome these challenges with comprehensive policy initiatives and grassroots advocacy (R. Chandevaram & Others v. State of Karnataka & Others, 1995 SCC (6) 309; 1995 INSC 552; MANU/SC/0805/1995). Besides legislative reforms and affirmative action, empowerment efforts must address the core causes of discrimination through education, economic opportunities, and social integration. To make society more egalitarian and inclusive, infrastructure, vocational training, land and credit access, and political representation must be prioritised

*Table 10: Matrix -Access to public welfare and public resources.*

Year	Caselaw	Core Issue	Judicial Outcome
MANU/AP/0126 /1975	Kasireddy Papaiah and Others v. The Government of Andhra Pradesh	Validity of invocation of the urgency clause under the Land Acquisition Act, 1894, for providing housing to the Scheduled Castes	The court invalidated the acquisition and held that the failure to comply with the mandatory public notice requirement under Section 4(1) renders the proceedings void.
AIR 1986 SC 733, MANU/SC/0045/1985	Soosai & Others v. Union of India & Others	Right to schemes for the Scheduled Castes after conversion to Christianity.	The Court held that a person belonging to an S C after converting to Christianity will not be eligible for assistance under the scheme
1995 SCC (6) 309; 1995 INSC 552; MANU/SC/0805/1995	R. Chandevaram & Others v. State of Karnataka & Others	Scheduled Caste persons are not to be alienated from the land allotted to them.	The lands assigned to individuals belonging to the SCs and STs are meant to remain in their personal possession for cultivation and cannot be alienated.
1996 (2) SCC 549, MANU/SC/0286/1996	Chameli Singh and Others v. State of Uttar Pradesh and Others	Shelter is a part of the fundamental right to life for allotment of land to the Scheduled Castes	reinforced the inclusion of shelter within the ambit of the right to life under Article 21 of the Constitution.
2019 (6) CTC 139	Sudha v. State of Tamil Nadu	Right of victims of caste-atrocities for relief under Rule 12 of SC/ST (PoA) Rules, 1995.	The Court held that the petitioner was entitled to relief of employment assistance as per the SC/ST (PoA) Rules

*“Protection of life guaranteed by Article 21 encompasses within its ambit the right to shelter to enjoy the meaningful right to life. The Preamble to the Indian Constitution assures to every citizen social and economic justice and equity of status and of opportunity and dignity of person so as to fasten fraternity among all Sections of society in an*

*integrated Bharat. Article 39(b) enjoins the State that ownership and control of the material resources of the community are so distributed as to promote the welfare of the people by securing social and economic justice to the weaker Sections of society, to minimise inequality in income and to endeavour to eliminate inequality in status.*

*Article 46 enjoins the State to promote with special care social, economic and educational interests of the weaker Sections of society, in particular, the Scheduled Castes and the Scheduled Tribes. Right to social and economic justice conjointly commingles with right to shelter as an inseparable component for meaningful right to life." - Justice K. Ramaswamy in Chameli Singh v. State of Uttar Pradesh & Others*

#### **10. APEX COURTS' RULINGS ALL CASTE ARCHAKARS (PRIEST).**

By and large, places of worship are always out of the access to SCSTs; they were not allowed to enter into the temples in many states, whereas in South India, progressive states such as Kerala and Tamil Nadu discarded the caste practices by legally allowing them not only to enter but to take part in the temple rituals. Whether places of Church, Mosque or any religious establishments known for caste discrimination. The head of the church, the Pope, openly admitted that the churches are known for caste-based division, and prelates are appointed based on caste. (In Tamil Nadu and Pondicherry, exclusively non-Dalit bishops and archbishops have been selected over the last 15 years. "In the 18 Catholic dioceses of the region, there exists only one Dalit Bishop, despite Dalits constituting approximately 75% of the Catholic population, resulting in minimal representation." "This predicament has persisted for decades," stated one of the affected individuals. The demonstrators urged Pope Francis to intervene to eradicate caste inequality inside the Indian Church. "We have consistently made representations to the Vatican." An activist stated, "We engaged in public demonstrations to express our anguish and indignation, aiming to elevate the Church's awareness regarding caste injustice."). In Tamil Nadu, temple entry and Archakas (priests) pertain to the Tamil Nadu Temple Entry Authorisation Act of 1947, which guarantees entry rights for all Hindus irrespective of caste, superseding traditional norms (The issue around Archaka appointments originates from the 1970 revision to the Tamil Nadu Religious and Charitable Endowments Act of 1959, which eliminated inherited eligibility to the Archaka position. This amendment was contested in the matter of Seshammal and Others vs. State of Tamil Nadu, which was adjudicated by a Constitutional Bench of the Supreme Court. The Bench determined, through the interpretation of the Agamas and religious texts, that the appointment of an Archaka was not fundamentally a religious act, but rather secular in nature. This is of great importance as Article 25(2)(a) authorises the State to regulate on a "secular activity that may be linked to religious practice," as opposed to a fundamentally

religious issue. In other words, this indicated that since the appointment constituted a secular activity, the Government possessed the authority to modify a practice governing it.). Significant Supreme Court cases, such as *Adi Saiva Sivachariyargal Nala Sangam v. Govt. of TN (2015)*, have established that although Agamas (scriptures) inform rituals, appointments for Archakas must adhere to constitutional principles of equality, indicating that caste cannot be the exclusive barrier if qualifications (training) are satisfied, thereby allowing all qualified Hindus to access these positions, while still honouring Agamic texts in rituals (*Adi Saiva Sivachariyargal Nala Sangam & Others v. The Government of Tamil Nadu (2015)*). *Tamil Nadu Temple Entry Authorisation Act of 1947*. This legislation and associated judicial decisions unequivocally affirm that all Hindus, irrespective of caste, possess the right to access and worship at any Hindu temple, rendering caste-based exclusion a prosecutable offence. The Madras High Court (2025) reaffirmed that no caste can assert ownership of a temple, and that caste-based administration contravenes the Constitution.

The Madras High Court (2024) mandated the Tamil Nadu government to install signage prohibiting non-Hindus beyond the flag post, necessitating a written affirmation of faith from worshippers to preserve unity and comply with Agamas. *N. Adithayan v. Travancore Devaswom Board (2002)*, the Supreme Court, a pivotal verdict declaring that caste-based limitations on Archaka employment are unlawful (Article 25 does not imply that the State must consider religious factors when legislating on secular matters; rather, the language of the Article appears to indicate the contrary. The Constitutional Bench in *Seshammal* determined that the role of an Archaka and the trustee's act of appointment are secular, as the Archaka's appointment derives from a fundamentally secular authority. They further elucidated that the mere act of an Archaka doing worship does not constitute adequate justification for categorising it as a religious position.); only qualifications and training are pertinent, not caste. The Supreme Court examined the tension between Agamic traditions, predominantly Brahmin-centric, and the state's authority to appoint priests based on qualifications, affirming that although Agamas hold significance, appointments must adhere to principles of equality (Articles 14, 15, 25, 26). Similarly, *Seshammal & Others v. State of Tamil Nadu (1972 - Supreme Court)* A prior ruling affirmed that the hereditary priesthood system could be legally dissolved (TN Act, 1959) to permit non-hereditary appointments, as the appointment constitutes a secular function rather than an important religious activity (*Seshammal & Others v. State of Tamil Nadu*

(1972)). The Government Order (G.O.) of Tamil Nadu (2006) was established in accordance with the Rajan Committee report, intending to appoint Archakas from all castes possessing the requisite training; nevertheless, its execution encountered legal obstacles and modifications (The Government Order (G.O.) of Tamil Nadu (2006)).

Accessing the inner sanctum of a temple was not just a dream for 25-year-old Ranjitha, but also a significant achievement symbolising the end of generations of oppression faced by Tamil Nadu's Dalit community. Ranjitha, a Dalit woman from Thanjavur district, was one of 94 non-Brahmins, three women and 91 men who finished priesthood training in 2023 at Archakar training schools, which are institutions in Tamil Nadu that prepare people for priestly roles and are run by the state's Hindu Religious and Charitable Endowments (HR&CE) Department in six locations. Archakars are Hindu temple priests who lead festivities (On July 17, 2025, the Madras High Court mandated state officials to guarantee that Scheduled Caste (SC) devotees are not prohibited from accessing the Puthukudi Ayyanar Temple in Tamil Nadu, citing constitutional and statutory protections prohibiting caste-based discrimination. Numerous analogous instances in Tamil Nadu, such as the Dalit temple admission in Tiruvannamalai (2024) after a span of 70 years, illustrate a persistent trend of caste prejudice despite existing legislative protections.).

## 11. SUMMARY.

The Judicial process and rulings under SC/STs' legal protective instruments in the state always aim to ensure a balance between safeguarding the underprivileged and preventing misuse. It underscores the necessity of a public opinion criterion for caste-related offences, enforces stringent anti-anticipatory bail provisions (Section 18), and mandates that FIRs are not filed frivolously, often necessitating a prima facie case or preliminary inquiry, while also ensuring that victims receive appropriate relief and rehabilitation. Courts stress the primary goal of the Act to prevent dilution, but also exercise jurisdiction to dismiss cases devoid of true caste atrocities or public interest, safeguarding them from exploitation, prejudice, and emphasising equitable enforcement rather than automatic convictions. The importance of the special courts on the caste-related honour killings, caste-centric practices in prison, and educational institutions is clear evidence that social change is a must to uphold the dignity of the underprivileged. The Supreme Court has established guidelines, as seen in the Subhash Kashinath Mahajan case, to mitigate misuse by recommending preliminary enquiries at the DySP

level and vetting for government employees, to prevent politically driven false accusations. The courts affirm this, acknowledging the risk of intimidation, although they apply it rigorously based on the prima facie merits of the FIR, rather than preliminary evidence. Courts emphasise that the Act serves as a safeguard for dignity, rather than a simple procedural formality, necessitating earnest implementation and refraining from dismissing charges as intrinsically inflated without due process, as highlighted in recent statements.

Articles 14, 15, 17, 21, and 23 of the Indian Constitution forbid caste-based labour allocation, such as the practice of assigning Scheduled Caste inmates menial chores like cleaning or sanitation. This was ruled out in the case of *Sukanya Shantha v. Union of India*. By doing away with "purity-pollution" ideas and colonial prejudices that associated certain classes with certain jobs, states may make sure that everyone has a fair go at all the tasks, even dangerous jobs that require protective gear. Prisoners from all walks of life, including members of denotified tribes, will be able to apply for supervisory roles like overseers, and the emphasis will move from forced work proxies to rehabilitation.

Through NALSA or state academies, sensitisation on constitutional anti-discrimination principles, impartial task rostering, and dignity-focused rehabilitation for prison staff. Indirect forms of prejudice (such as using "habit" to refer to a person's caste) and neutral categorisation based on security requirements rather than tradition should be addressed in programs. The effectiveness of the training will be monitored through inspections by the District Legal. The Supreme Court determined that Article 21 implicitly encompasses the right to transcend caste biases as an integral component of the right to life for individuals belonging to marginalised populations. The critique of the contested rules, which allocate labour according to caste, asserts that these regulations perpetuate 'occupational immobility' and 'outdated perceptions of a specific community's suitability for defined roles.' The Supreme Court asserted that these methods infringe upon the right to life by obstructing personal development and prospects for rehabilitation for convicts from marginalised communities. The Court underscored that Article 21 must ensure individuals the liberty to 'liberate themselves from conventional social constraints' and 'thrive in an atmosphere of equality, respect, and dignity.'

The interpretation establishing the 'right to overcome caste biases' represents a substantial augmentation of constitutional rights. This method integrates the right to life with concepts of equality and dignity, establishing a comprehensive

constitutional protection against caste-based discrimination. By positioning the capacity to transcend caste barriers as a fundamental component of personal growth and dignity, the Supreme Court has expanded the interpretation of Article 21 and strengthened the intersectionality of constitutional provisions.

The judicial approach to the SC/ST Act fundamentally seeks to preserve the dignity and rights of SCs and STs by penalising acts of discrimination, humiliation, and violence directed towards them. The legislation was introduced due to the inadequacy of current laws, notably the new criminal laws in accordance with the Indian Penal Code, in addressing caste-based atrocities. The legislation encompasses a broad spectrum of acts,

including verbal abuse, social ostracism, severe assaults, land appropriation, and sexual violence. Significantly, it establishes specialised courts for expedited trials and allocates provisions for victim assistance and rehabilitation, guaranteeing the prompt administration of justice. The court's approach is increasingly intricate, emphasising the rigorous application of legal specifications to maintain its protective function and prevent misuse, as indicated by legal analysis sources. It may be concluded that the judicial orders have been invoked to serve justice to the marginalised, but implementing these orders is in the hands of the implementing authorities, several external factors, besides social constraints reasons for noncompliance of the adversaries.