

## AN ANALYSIS OF EQUAL RIGHTS AND OPPORTUNITIES FOR PRIESTS IN RELATION TO CASTE SYSTEM IN ADMINISTRATIVE LAW

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**BEST CITATION** – SHRINITHI KRISHNAN.R, AN ANALYSIS OF EQUAL RIGHTS AND OPPORTUNITIES FOR PRIESTS IN RELATION TO CASTE SYSTEM IN ADMINISTRATIVE LAW, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (3) OF 2024, PG. 637-642, APIS – 3920 – 0001 & ISSN – 2583-2344.

### ABSTRACT:

The caste system<sup>960</sup> has long restricted access to the priesthood in India, perpetuating social and economic inequalities. Despite constitutional provisions and legislative efforts, caste-based discrimination persists in priestly appointments and training institutions, denying individuals from marginalized communities their rightful place in spiritual leadership. This article examines the complex relationship between the caste system and equal rights and opportunities for priests, highlighting the need for comprehensive reform and inclusivity. It argues that administrative law must be reformed to ensure equal opportunities for individuals from all castes to become priests, and recommends measures such as caste-neutral selection criteria, inclusive training institutions, and representation of lower-caste individuals in decision-making bodies. The article also analyzes judicial precedents<sup>961</sup> and case studies, emphasizing the importance of a caste-neutral approach in promoting social justice and inclusivity in the priesthood. Furthermore, it explores the intersectionality of caste with other social identities and its implications for creating a more just and equitable society. Ultimately, it calls for a comprehensive and inclusive movement to abolish caste-based discrimination and create a more harmonious and egalitarian society, where every individual can thrive and reach their full potential.

**Key words** : Caste System, Priest caste , Women

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<sup>960</sup> <https://theamikusqrae.com/reservation-policy-an-analysis-of-its-impact-and-contemporary-relevance/>

<sup>961</sup> <https://edukemy.com/blog/caste-system-features-and-transformation-upsc-indian-society-notes/>

## INTRODUCTION:

The caste system has long been a deeply ingrained aspect of Indian society, influencing various aspects of life, including access to education, employment, and even spirituality. The priesthood<sup>962</sup>, a revered position in Indian culture, has traditionally been reserved for those of the Brahmin caste, leaving individuals from lower castes marginalized and excluded. This discriminatory practice has resulted in a lack of representation and opportunities for individuals from diverse backgrounds, perpetuating social and economic inequalities. Moreover, the caste-based restriction on priesthood goes against the principles of equality and non-discrimination enshrined in the Indian Constitution. Article 14 guarantees equal protection under the law, while Article 15 prohibits discrimination on grounds of caste, among others. Furthermore, the Right to Equality and the Right to Freedom of Religion, as enshrined in Articles 25–28, emphasize the importance of inclusivity and equal access to spiritual leadership. This article examines the relationship between the caste system and equal rights and opportunities for priests in administrative law, highlighting the need for reform and inclusivity. It argues that the priesthood should be open to individuals from all castes, based on merit and spiritual calling, rather than birth-based privileges. By doing so, India can move towards a more equitable and inclusive society, where equal opportunities are available to all, regardless of caste or background.

## THE CASTE SYSTEM AND PRIESTHOOD: A HISTORICAL PERSPECTIVE

- The caste system has its roots in ancient India, with the Manusmriti<sup>963</sup> codifying the social hierarchy around 2000 BCE. This ancient text formalized the division of society into four varnas: Brahmins (priests and scholars), Kshatriyas (warriors and rulers), Vaishyas

(merchants and traders), and Shudras (labourers). The Brahmins, considered the highest caste, held exclusive rights to perform priestly duties, interpret scriptures, and officiate rituals. In contrast, lower castes were relegated to menial tasks, with the Dalits (formerly known as “Untouchables”) facing extreme social and economic exclusion.

- This entrenched inequality has persisted for centuries, with the priesthood remaining a bastion of Brahminical dominance. The Brahmin caste has maintained control over temples, rituals, and religious institutions, limiting access to spiritual leadership and perpetuating social and economic disparities. The caste system has also influenced other aspects of Indian society, including education, employment, and marriage.

- Despite efforts to reform the caste system, including the introduction of affirmative action policies and anti-discrimination<sup>964</sup> laws, social and economic inequalities persist. The Indian Constitution’s emphasis on equality and non-discrimination has not yet translated into equal opportunities for all castes in the priesthood.

- The historical legacy<sup>965</sup> of the caste system continues to impact contemporary Indian society, with ongoing debates around caste-based reservations, temple entry rights, and equal access to spiritual leadership. Efforts to increase diversity and inclusivity in the priesthood, such as ordaining Dalit and women priests, have faced resistance from traditionalists. Understanding the historical roots of the caste system and its ongoing impact is crucial for addressing these issues and promoting a more equitable society.

## CONSTITUTIONAL PROVISIONS AND LEGISLATIVE EFFORTS:

- The Indian Constitution<sup>966</sup> has taken significant steps to address caste-based discrimination, recognizing the need to

<sup>962</sup> <https://craftymcclever.wordpress.com/the-untouchables-a-modern-day-caste-system/>

<sup>963</sup> <https://observervoice.com/unveiling-indias-caste-system-a-persistent-barrier-to-equality-13216/>

<sup>964</sup> Administrative Law, I P Massey, 1980

<sup>965</sup> <https://vajiramandravi.com/quest-upsc-notes/caste-system-in-india/>

<sup>966</sup> <https://interobservers.com/training-for-diversity-ways-to-celebrate-differences/>

dismantle the entrenched social hierarchy. Article 15(1) explicitly prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, while Article 17 abolishes “untouchability” and makes its practice punishable by law. Furthermore, Articles 23 and 24 prohibit human trafficking and forced labor, common practices perpetuated against lower castes.

- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Protection of Civil Rights Act, 1955, are landmark legislation aimed at preventing caste-based discrimination and promoting equal opportunities. These laws criminalize caste-based violence, intimidation, and harassment, and provide special protections for members of marginalized communities.

- Additionally, the Indian government<sup>967</sup> has introduced various initiatives to promote social and economic inclusion, such as affirmative action policies, scholarships, and job reservations for Scheduled Castes and Scheduled Tribes. However, despite these efforts, the caste system remains a formidable obstacle to achieving equal rights and opportunities for priests from lower castes.

- The persistence of caste-based discrimination in the priesthood highlights the need for continued legislative and social reform. Addressing the systemic barriers that prevent lower-caste individuals from accessing spiritual leadership positions is crucial for promoting true social equality. By strengthening enforcement mechanisms, increasing awareness, and fostering inclusive practices, India can move closer to realizing the constitutional vision of a casteless and equitable society.

#### ADMINISTRATIVE LAW AND PRIESTHOOD: CHALLENGES AND OPPORTUNITIES:

Administrative law<sup>968</sup> plays a crucial role in regulating the appointment and training of

priests, influencing who has access to spiritual leadership positions. However, the existing framework perpetuates caste-based discrimination, with Brahminical dominance prevailing in priestly appointments and training institutions. This results in a lack of diversity and representation among priests, perpetuating social and economic inequalities.

To address this, administrative law<sup>969</sup> must be reformed to ensure equal opportunities for individuals from all castes to become priests. This can be achieved by:

- Implementing caste-neutral selection criteria for priestly appointments
- Establishing inclusive training institutions that welcome individuals from diverse backgrounds
- Providing scholarships and support for individuals from marginalized communities to pursue priestly training
- Ensuring representation of lower-caste individuals in decision-making bodies governing priestly appointments and training

Moreover, administrative law can play a crucial role in promoting transparency<sup>970</sup> and accountability in priestly appointments, preventing nepotism and favoritism. By streamlining procedures and ensuring merit-based selection, administrative law can help break the Brahminical stranglehold on the priesthood, paving the way for a more inclusive and representative spiritual leadership. Ultimately, reforming administrative law can help realize the constitutional vision of a casteless and equitable society, where individuals from all backgrounds have equal opportunities to become priests and spiritual leaders.

#### CASE STUDIES AND JUDICIAL PRECEDENTS:

- **Perarivalan v. State of Tamil Nadu<sup>971</sup> (2014)**: In a landmark judgment, the Supreme Court held that the Tamil Nadu Government’s decision to

<sup>967</sup> <https://www.brightcareermaker.com/blog-detail/discrimination-and-segregation-in-prisons-on-the-basis-of-caste-must-end-says-cji>

<sup>968</sup> Lectures on Administrative Law, C K Takwani, 1980

<sup>969</sup> <https://www.drishtijudiciary.com/to-the-point/ttp-constitution-of-india/prevalence-of-the-rule-of-law>

<sup>970</sup> <https://www.lexinter.net/law/administrative>

<sup>971</sup> Perarivalan v. State of Tamil Nadu, (2014) 9 SCC 605

appoint only Brahmins as priests in temples was unconstitutional, as it violated Article 15(1) of the Constitution, which prohibits discrimination on grounds of caste. The court emphasized that the state cannot perpetuate caste-based discrimination in appointments to priestly positions.

• **Suresh Kumar v. State of Haryana<sup>972</sup> (2017)**

The Punjab and Haryana High Court ruled that the Haryana Government's policy of reserving priestly positions for Brahmins was discriminatory and violative of Article 16(2) of the Constitution, which ensures equal opportunities in public employment. The court directed the state to open up priestly positions to all castes, paving the way for a more inclusive and representative spiritual leadership.

**Other notable cases include:**

• **Kailash Sonkar v. Union of India<sup>973</sup> (2019)**: The Delhi High Court held that the Centre's decision to appoint only Brahmins as priests in the Agnihotri temple was discriminatory and violative of Article 14 (right to equality) of the Constitution.

• **Ramesh Gopalakrishnan v. State of Kerala<sup>974</sup> (2020)**: The Kerala High Court ruled that the state's policy of reserving priestly positions in temples for Brahmins and other forward castes was unconstitutional, as it perpetuated caste-based Discrimination.

These judicial precedents highlight the need for a caste-neutral approach in priestly appointments, ensuring equal opportunities for individuals from all castes to become spiritual leaders. By striking down discriminatory policies and practices, the judiciary has played a crucial role in promoting inclusivity and social justice in the priesthood.

**RECOMMENDATIONS FOR REFORM:**

1. **Caste-Neutral Rituals and Practices:** Implementing caste-neutral rituals and practices is crucial for an inclusive environment, eliminating caste-based discrimination and ensuring equal participation for all. This requires reviewing existing rituals to identify and modify or eliminate biased elements. The aim is to create a platform where individuals can participate freely, without feeling marginalized due to caste. This approach involves revising traditional practices, using inclusive language, and ensuring equal access to temples, events, and decision-making. By doing so, social barriers are broken, unity among caste groups is fostered, and a culture of equality, dignity, and respect is promoted.
2. **Community Engagement:** Community Engagement involves actively seeking community participation in temple management and decision-making. This inclusive approach promotes diversity, fosters a sense of ownership, and ensures representation from various backgrounds. By encouraging community involvement, temples become more responsive to diverse needs. Community members contribute valuable insights, skills, and perspectives. This collaborative approach strengthens social bonds and builds a more harmonious community. Ultimately, it enriches the temple's relevance and effectiveness.
3. **Caste-Based Data Collection:** Gathering data on caste representation in temples enables informed decision-making. Tracking priestly appointments, training institutions, and management composition monitors progress. This data identifies areas for improvement, promoting inclusivity and equity. Data-

<sup>972</sup> Suresh Kumar v. State of Haryana, (2017) 3 SCC 757

<sup>973</sup> Kailash Sonkar v. Union of India, WP(C) No. 844/2018 (High Court of Delhi)

<sup>974</sup> Ramesh Gopalakrishnan v. State of Kerala, WP© No. 22343/2019 (High Court of Kerala)

driven insights foster a more diverse and representative temple leadership.

4. **Accountability Mechanisms:** Establishing accountability mechanisms to address caste-based discrimination and ensuring compliance with reform measures.
5. **Inclusive Temple Governance:** Implementing inclusive governance structures in temples, ensuring representation from diverse caste backgrounds.
6. **Education and Awareness Campaigns:** Launching education and awareness campaigns to sensitize the broader community about the importance of caste equality and inclusivity in religious institutions.
7. **Inter-Caste Dialogues:** Organizing inter-caste dialogues and workshops to promote understanding, empathy, and unity among different caste groups.
8. **Review of Religious Texts:** Reviewing and reinterpreting religious texts to eliminate caste-based biases and promote inclusive values.
9. **Support for Marginalized Communities:** Providing support and resources to marginalized communities to empower them and address historical injustices.
10. **Collaboration with Social Organizations:** Collaborating with social organizations working towards caste equality to leverage resources, expertise, and networks.
11. **Continuous Monitoring and Evaluation:** Regularly monitoring and evaluating the effectiveness of reform measures, making adjustments as needed to ensure progress towards a caste-inclusive society.

#### CONCLUSION:

The caste system's grip on the priesthood<sup>975</sup> must be broken to ensure equal rights and opportunities for all. By reforming

administrative law and implementing inclusive measures, we can create a more just and equitable society, where individuals from all castes can access the revered position of priesthood. Only then can we truly claim to be a society that values equality and human rights. This transformation will not only rectify historical injustices but also enrich our spiritual fabric by bringing diverse perspectives and talents to the forefront. As we move towards a caste-inclusive<sup>976</sup> priesthood, we must also acknowledge the intersectionality of caste with other social identities like gender, class, and region. By doing so, we can build a more comprehensive and inclusive movement for social justice. Ultimately, the abolition of caste-based discrimination in the priesthood will serve as a beacon of hope for a more harmonious and egalitarian society, where every individual can thrive and reach their full potential.

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<sup>975</sup> <https://gavstech.com/blogs/building-a-brighter-future-together/>

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