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CASTE-BASED DISCRIMINATION IN INDIA

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Abstract

This article provides a comprehensive socio-legal analysis of caste-based discrimination in India, tracing its origins in ancient religious texts through its contemporary manifestations in education, employment, criminal justice, and digital spaces. It examines the constitutional and statutory architecture constructed to combat caste oppression — including Articles 14, 15, 16, and 17 of the Constitution, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and its 2015 Amendment, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, and the recently enacted Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhiniyam 2023. Drawing on documented empirical research, NCRB data, judicial pronouncements, and socio-historical scholarship, the article identifies seven overlapping forms of caste-based deviance — untouchability, educational discrimination, occupational bondage, economic exclusion, physical and sexual violence, honour killings, and digital harassment — and analyses the structural causes that sustain them despite formal prohibition. Key judicial decisions from Indra Sawhney (1992) to Sukanya Shantha (2024) are examined for their contribution to, and occasional retreat from, the constitutional promise of substantive equality. The article concludes that the persistence of caste discrimination is not a failure of law alone but of institutional composition, enforcement culture, and political will, and that genuine transformation requires reform of the very agencies charged with implementing the law.

Keywords: caste-based discrimination, Dalits, untouchability, SC/ST Atrocities Act, reservation policy, caste violence, manual scavenging, social exclusion, constitutional equality, India

1. Introduction

India carries one of the oldest surviving social hierarchies in human history. The caste system has shaped lives on this subcontinent for well over three thousand years, and despite decades of constitutional guarantees, landmark court judgments, and sustained social reform movements, it continues to do so today. To study caste-based discrimination is not to revisit a closed chapter — it is to examine a wound that, for tens of millions of people, remains very much open.

The framers of the Indian Constitution understood this with unusual clarity. Dr. B.R. Ambedkar, himself a Dalit who had experienced untouchability firsthand, ensured that the Constitution did not merely gesture toward equality but attempted to construct a legal architecture for it. Articles 14, 15, 16, and 17 were not decorative — they were deliberate instruments against an entrenched social order.[1] And yet, seventy-five years later, Dalit men are still beaten for riding horses at their own weddings. Dalit women are still denied water from upper-caste wells. A nine-year-old boy in

[1] 1. B.R. Ambedkar, *Annihilation of Caste* 41 (Navayana 2014) (1936).

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Rajasthan was beaten to death by his teacher in 2022 for the act of drinking water from the classroom pot — the accusation being that he had contaminated it by his touch. Dalit students still find themselves seated separately in government classrooms, called 'quota kids' by the very teachers meant to educate them.

This article brings together the historical, sociological, and legal dimensions of caste-based discrimination in a single account. It draws on documented research covering not only the dramatic and violent face of caste oppression but also its quieter, everyday forms: the teacher who marks a Dalit student's paper down for consistently outperforming upper-caste classmates; the university that never appoints a Dalit professor to a permanent position; the police officer who refuses to register an FIR because the accused belongs to a dominant-caste family. These are the forms of discrimination that rarely make headlines but collectively constitute the lived reality of caste for millions of people every single day.

The central question this article tries to answer is: why has something so obviously unjust proven so remarkably resistant to change — and what has the law, in its best and worst moments, managed to do about it?

2. Meaning and Concept of Caste-Based Discrimination

Before we can talk about what caste-based discrimination does, we need to understand what it is. The word 'caste' has been used so loosely — and so politically — that its meaning has become genuinely contested.

At its simplest, the caste system is a hereditary social hierarchy that assigns every person, at birth, to a group that determines their occupation, social interactions, marriage prospects, and access to resources. You are born into your caste and you die in it. There is, traditionally, no exit.[2] The system is not just a social ranking like class — it is undergirded by religious sanction. The Vedic concept of varna divided society into four categories: Brahmins (priests and scholars), Kshatriyas (warriors), Vaishyas (merchants), and Shudras (labourers and artisans). Outside and beneath even the Shudras were the avarnas — those considered so ritually impure that their very presence was thought to contaminate others.[3] These are the people we now call Dalits, and historically they were simply called untouchables.

Ambedkar described Hindu society as a multi-storeyed tower with no staircase and no entrance — everybody dies in the storey in which they are born.[4] That image captures what makes caste uniquely oppressive: it is not a meritocracy gone wrong, or a class system that can theoretically be transcended. It is a closed system, sanctioned by religion, reinforced by law and custom over centuries, and designed so that those at the bottom have no legitimate means of exit.

Caste-based discrimination refers to the entire system of differential treatment, exclusion, humiliation, and violence that flows from this hierarchical structure. It operates at every level — social, economic, political, educational, and psychological. It is not just a rural phenomenon, though it is most visible in villages. It exists in cities, in universities, in corporate boardrooms, and increasingly in digital spaces. As Ambedkar argued in *Annihilation of Caste*, caste is not merely a division of labour but a division of labourers — and a particularly cruel one, because it assigns dignity or degradation not based on anything a person does but purely on the accident of birth.

The term 'deviance' in this context refers to conduct — by individuals, institutions, or communities — that perpetuates, enforces, or normalizes the caste hierarchy through discrimination, exclusion, or violence. This includes the explicit acts of dominant-caste

[2] 2. Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age* 25–27 (Cambridge Univ. Press 1999).

[3] 3. U.N. Comm. on the Elimination of Racial Discrimination, General Recommendation No. 29, U.N. Doc. CERD/C/61/Misc.11/rev.3 (2002).

[4] 4. Ambedkar, *supra* note 1, at 47.

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perpetrators and the institutional indifference that enables them.

3. Historical Background

The origins of the caste system lie in the ancient religious texts of Hinduism. The Rigveda, composed around 1500 BCE, contains the Purusha Sukta — a creation hymn that describes the fourfold division of humanity as emerging from the body of the cosmic being Purusha: Brahmins from his mouth, Kshatriyas from his arms, Vaishyas from his thighs, and Shudras from his feet. The hierarchical positioning is not accidental. The mouth speaks, commands, and blesses; the feet are the lowest, the most polluted. The untouchables were not even inside the body — they were outside the entire system.

Over centuries, this fourfold varna scheme hardened into thousands of jatis — endogamous sub-castes, each with prescribed occupations, social duties, and ritual statuses. The Manusmriti codified these rules in elaborate detail, prescribing brutal punishments for those who violated caste boundaries and enshrining untouchability as a religious and social norm.[5] The concept of karma provided theological cover: your caste position in this life, the argument went, reflects your conduct in past lives. To try to change your caste station was therefore not just socially transgressive — it was spiritually wrong.

Access to formal education was historically restricted to men of the first three castes. Women of all castes, labour castes, and Dalits were banned from learning and punished if they tried — an extraordinary system of deliberate epistemic oppression. When the British arrived and eventually opened colonial schools to lower castes, the reaction from the upper-caste elite was instructive: upper-caste commentators lamented not the injustice that had been corrected but the inconvenience it created for them.[6]

The nineteenth and early twentieth centuries brought organized resistance. Jyotirao Phule and Savitribai Phule opened the first schools for girls of all castes including Dalits. Periyar E.V. Ramasamy launched a ferocious critique of caste and the religion that sustained it. Ambedkar organized Dalits politically, led the public burning of the Manusmriti, and eventually converted to Buddhism as his final repudiation of the Hindu caste order.[7] These reformers did not merely argue for better treatment within the existing system — they challenged the system's right to exist.

Independence in 1947 brought the Constitution and its promise of a caste-free republic. But it did not bring a caste-free reality. The economic and social structures that caste had built over millennia did not dissolve because a document declared untouchability illegal. What independence did create was a legal architecture — imperfect, contested, inconsistently enforced — through which that reality could be challenged. The gap between what the Constitution promises and what daily life delivers for millions of marginalized people remains the central unresolved story of independent India.

4. Caste-Based Violence

Violence is the most visceral way caste hierarchy is enforced. The National Crime Records Bureau consistently records tens of thousands of registered atrocities against Scheduled Castes every year — and those figures are almost certainly undercounts, given documented patterns of systematic underreporting.[8] Registered crimes against SCs increased from roughly 33,000 cases in 1995 to 45,000 in 2015, with atrocity cases under the Prevention of Atrocities Act growing at a compound annual rate of over five per cent over that period. The conviction rate remained abysmally low throughout — meaning that the majority of victims who went through the ordeal of

[5] 5. Patrick Olivelle trans., *Manu's Code of Law: A Critical Edition and Translation of the Manava-Dharmasastra* 20–23 (Oxford Univ. Press 2005).
[6] 6. Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India* 5–9 (Princeton Univ. Press 2001).
[7] 7. Eleanor Zelliot, *Ambedkar's World: The Making of Babasaheb and the Dalit Movement* 112–16 (Navayana 2013).
[8] 8. Nat'l Crime Records Bureau, Ministry of Home Affairs, *Crime in India 2022* tbl. 7A.1 (2023).

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registration, investigation, and trial still did not receive justice at the end of it.

Caste violence in India takes several recognizable forms. Physical assault — beatings, mutilations, and murders — is the most documented. The typical trigger is some perceived transgression of caste norms: a Dalit man marrying an upper-caste woman, a Dalit family building a permanent house, a Dalit youth refusing to perform a degrading task, a Dalit student excelling academically.[9] The violence is rarely about the specific act — it is about sending a message to an entire community about what happens when you step out of your assigned place.

Sexual violence is used systematically against Dalit women — not as an aberration but as an instrument of social control. Research confirms that violence against SC women operates at the intersection of caste, class, and gender, and that dominant-caste perpetrators often target SC women specifically to make entire communities understand the consequences of asserting their rights.[10] Gang rape cases, including those in Badaun in 2014 and Hathras in 2020, exposed this logic in its most extreme form. The consequences for victims extend far beyond the immediate trauma: social ostracism, family blame, stigma, and the destruction of the family's standing in the community.

G.C. Pal's research on mapping caste-based atrocities identifies what he calls 'collective and composite' violence — organized acts committed by multiple perpetrators against single individuals or entire families, often combining several offenses in one incident: caste abuse with physical assault, arson with murder, abduction with rape.[11] This collective dimension reflects community-level hostility rather than individual aggression, and it creates near-impossible evidentiary challenges for prosecution.

Then there is the violence of the justice system itself. Over eighty per cent of charge-sheeted atrocity cases remain pending in courts at the end of each year. Police officials — often from dominant castes — routinely use a range of tactics to protect accused perpetrators: refusing to register FIRs, filing cases under weaker legal provisions, losing evidence, filing false counter-cases against victims.[12] Expecting the law to deliver justice when the agencies that implement it are themselves part of the same caste-structured society is, as Ambedkar observed long ago, an impractical proposition unless those agencies are fundamentally reformed. That reform has not happened.

Social boycott is another form of violence that never appears in crime statistics. An entire village can stop buying from a Dalit shopkeeper, stop employing Dalit labourers, stop allowing Dalit children to draw water from the communal source. These boycotts can last months or years. Families who have filed atrocity cases are particularly vulnerable — members of their own community sometimes distance themselves, wanting to preserve their relationships with dominant castes and avoid being swept up in the retaliation. The result is that victims can find themselves facing perpetrators while abandoned by the people they might have expected to stand with them.

5. Forms of Caste-Based Deviance

Caste-based deviance manifests in overlapping forms that span social practice, economic behaviour, educational institutions, and criminal violence. Understanding these forms separately — while recognizing how deeply they interconnect — is necessary for any serious legal or policy response.

5.1 Untouchability and Social Exclusion

Despite being constitutionally abolished since 1950, untouchability persists in rural India with disturbing regularity and, to a surprising extent,

[9] 9. Human Rights Watch, *Hidden Apartheid: Caste Discrimination Against India's "Untouchables"* 12–18 (2007).

[10] 11. Gopal Guru, *Dalit Women Talk Differently*, 30 Econ. & Pol. Wkly. 2548, 2549 (1995).

[11] 10. G.C. Pal, *Mapping Caste-Based Atrocities: An Analysis of NCRB Data*, 40 Soc. Change 233, 239 (2010).

[12] 12. Nat'l Campaign on Dalit Human Rights, *Black Paper on Dalit Atrocities in India: 2000–2015* 8 (2015).

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in urban areas as well. Recent surveys suggest that roughly thirty per cent of urban households and fifty per cent of rural households continue to practice some form of untouchability.[13] Dalits are denied entry to temples, served on separate plates in village tea stalls, made to sit at the back of community functions, and prevented from accessing common water sources. These are not holdovers from a distant past — they are documented every year across multiple states and practiced with conscious intentionality.

5.2 Discrimination in Educational Settings

The classroom is one of the most important sites of caste discrimination and one of the least examined. Overt discrimination in schools includes physical punishment directed specifically at Dalit children, spatial segregation in seating, exclusion from midday meals, and the routine use of casteist insults by teachers.[14] A Dalit child may be made to clean the classroom while upper-caste children sit and study. Dalit girls carry a specific double burden — discriminated against for both their caste and their gender.

Covert discrimination is subtler but arguably just as destructive. Teachers may deliberately mark down a Dalit student's work when that student consistently outperforms upper-caste classmates. The message — you do not belong at the top — is delivered without ever being said aloud. In higher education, this takes the form of an overwhelmingly upper-caste faculty, the erasure of thinkers like Ambedkar from teacher education curricula, and a culture in which Dalit scholars are confined to empirical data collection while theoretical work is treated as the province of upper-caste academics. Rohit Vemula's death at the University of Hyderabad in 2016 put the concept of 'institutional murder' into public discourse — the idea that the slow, grinding exclusion of a Dalit scholar through institutional neglect and peer discrimination can ultimately be as lethal as physical violence.

5.3 Occupational Bondage and Manual Scavenging

The hereditary assignment of degrading occupations to lower castes — particularly the cleaning of human excreta — is among the most abject expressions of caste violence. Manual scavenging is carried out almost exclusively by Dalits and is associated with severe health hazards, social stigma, and early death. Despite the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013,[15] the practice continues, often masked by the fiction that workers are informal 'helpers' rather than employees. Workers regularly die from toxic fumes in sewers — and even in death are frequently denied the legal status of manual scavengers, depriving their families of compensation.

5.4 Economic Discrimination

Caste operates as a powerful organizer of economic exclusion. Correspondence studies have demonstrated that identical job applications receive significantly fewer callbacks when the applicant has a Dalit surname.[16] Access to credit, land, and government contracts is systematically skewed against lower castes. Within the formal sector, discrimination in promotions, wages, and workplace treatment has been well documented. The reservation system has created a Dalit middle class, but the upper echelons of the private economy remain almost entirely closed to Dalits — and a shrinking public sector means that the one domain where reservations apply is itself becoming less relevant to overall economic outcomes.

5.5 Caste-Based Violence and Atrocities

This category encompasses the full range of physical and sexual violence already discussed

[13] 13. Shah Ghanshyam et al., *Untouchability in Rural India* 63–65 (Sage 2006).

[14] 14. Rohini Sahni & V. Kalyan Shankar, *Education and Caste in India*, 39 Oxford Rev. Educ. 479, 481–84 (2013).

[15] 16. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, § 5, India Code (2013).

[16] 15. Sukhadeo Thorat & Paul Attewell, *The Legacy of Social Exclusion: A Correspondence Study of Job Discrimination in India's Urban Private Sector*, 42 Econ. & Pol. Wkly. 4141, 4142 (2007).

— murders, rapes, arson, assault, social boycotts, and the organized collective violence that characterizes dominant-caste responses to Dalit assertion. It also includes institutionalized violence such as bonded labour and the sexual exploitation of Dalit women under feudal norms that in some regions have persisted despite legal prohibition.

5.6 Honor Killings

Inter-caste marriages remain a flashpoint for the most extreme caste violence. Young couples who marry across caste lines — particularly when a Dalit man marries an upper-caste woman — risk murder at the hands of relatives, khap panchayats, or vigilante groups. The word 'honor' in this context is a euphemism for caste purity, and its enforcement can be swift, organized, and lethal.

5.7 Digital and Online Caste Discrimination

Social media and online platforms have become new arenas for caste-based harassment. Dalit scholars and activists face coordinated abuse campaigns. Dalit women face both casteist and sexual harassment simultaneously. Online anonymity has not reduced caste hatred — it has made it more convenient and more vicious. The digital divide itself can function as a form of caste discrimination, as communities with less access to technology are excluded from spaces where economic opportunity and public voice are increasingly located.

6. Causes of Caste-Based Deviance

Understanding why caste-based deviance persists — despite legal prohibition, formal education, urbanization, and economic change — requires looking at causes that operate simultaneously and reinforce one another.

6.1 Religious Legitimation

The most fundamental cause is the religious sanction that caste carries within Hinduism. As Ambedkar argued repeatedly, the problem is not that individual Hindus are uniquely cruel — it is that the religious texts they revere explicitly endorse caste hierarchy. The Vedas, the Manusmriti, and the concept of karma-based birth continue to provide religious justification for caste inequality in the minds of believers. As long as those texts are treated as authoritative, the subordination of Dalits will continue to be experienced by many not as injustice but as divine order — a tension that recurs in legal and political controversies over affirmative action, temple entry, and inter-caste marriage.

6.2 Economic Interest

Caste discrimination serves the economic interests of dominant groups. A Dalit who is kept landless and poorly educated can be exploited as cheap labour. A Dalit who cannot access credit, markets, or government contracts cannot compete economically. The caste system, in this analysis, is not merely an ancient belief system — it is an ongoing mechanism for the redistribution of resources upward. The entry of Dalits into educational institutions and public sector jobs is therefore resisted not only on grounds of ritual pollution but because it threatens the practical economic monopoly that dominant castes have historically enjoyed.

6.3 Weak Legal Enforcement

The gap between the law on paper and the law in practice is enormous. The SC/ST Atrocities Act exists, but conviction rates remain abysmally low. Police officers — often from dominant castes — routinely delay registration of FIRs, file cases under weaker legal provisions, misplace evidence, and file counter-cases against victims. Witnesses are threatened. The judiciary moves slowly. Victims face both the original violence and years of harassment through legal proceedings. This enforcement gap signals to perpetrators that punishment is unlikely — which in turn enables the cycle to continue.

6.4 Institutional Bias

Caste discrimination is reproduced by institutions as much as by individuals. A university with an overwhelmingly upper-caste faculty will create an environment that is unwelcoming to Dalit students even without consciously intending to. As of 2023, only two out

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of forty-five central university vice chancellors in India were from SC or ST communities. When every position of academic authority is held by upper-caste individuals, the message about who belongs in those spaces is communicated without a word being said.

6.5 Patriarchy and Gender

Caste and patriarchy are deeply intertwined. The purity of caste is maintained primarily through the control of women's sexuality — who a woman marries, who has access to her body, are questions treated as matters of caste honor. Dalit women suffer at the intersection of caste and gender, facing violence not only as women but specifically as Dalit women whose bodies are treated as territories on which caste power can be asserted. The consequences of violence against SC women extend through entire communities — generating fear, restricting movement, and silencing assertion.

6.6 Political Exploitation

Political parties in India have a long history of mobilizing caste identities for electoral gain — in ways that typically entrench rather than challenge caste hierarchies. When politicians appeal to caste solidarity rather than civic interest, they signal that caste is a legitimate basis for social organization. This political legitimation of caste makes it harder to challenge in social life, and it creates perverse incentives: the perpetuation of caste inequality keeps electoral coalitions intact.

7. Legal Provisions

India's legal architecture for addressing caste-based discrimination is among the most extensive in the world for any country dealing with a comparable social problem. The challenge has never really been the absence of law.

7.1 Constitutional Provisions

The Constitution of India, adopted in 1950, provides the foundational framework.[17] Article 14 guarantees equality before law and equal protection of the laws to all persons. Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, while empowering the State to make special provisions for socially and educationally backward classes. Article 16 guarantees equality of opportunity in public employment and permits reservations for backward classes inadequately represented in public services. Article 17 abolishes untouchability and makes its practice in any form a punishable offence. Article 21 protects the right to life and personal liberty, which courts have progressively expanded to include the right to live with dignity. Article 46 obligates the State to promote the educational and economic interests of SCs, STs, and other weaker sections. Articles 330 and 332 reserve seats for SCs and STs in the Lok Sabha and State Assemblies.

The 93rd Constitutional Amendment added Article 15(5), enabling reservations in private unaided educational institutions. The 103rd Amendment (2019) introduced a ten per cent quota for Economically Weaker Sections from the general category — a provision that has been criticized for shifting focus from social justice to economic criteria and for excluding SCs, STs, and OBCs from its benefits.

7.2 The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

This is the most significant specific legislation dealing with caste-based violence.[18] It was born from the recognition that the general provisions of the IPC were inadequate to address crimes motivated by caste identity. The Act criminalizes a wide range of offenses: forcing Dalits to eat inedible substances, parading them naked, occupying their land, insulting them in public on grounds of untouchability, and the full range of physical and sexual violence. It provides for special courts to try these cases. The 2015 Amendment strengthened several provisions by expanding the list of offenses, shifting the burden

[17] 17. India Const. arts. 14, 15, 16, 17.

[18] 18. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989, India Code (1989) [hereinafter Atrocities Act].

of proof, and creating new protections for victims and witnesses.[19]

The Act defines 'wilful neglect' of duty by officials, recognizing that the failure of implementation is itself a problem that law must address. Specific failures — failing to register a complaint, delaying investigation, failing to arrest accused persons — are named as derelictions that attract liability.

7.3 The Protection of Civil Rights Act, 1955

This Act covers denial of access to public places, prevention from practicing a profession, and forcing persons to perform degrading work on grounds of untouchability. It supplements the Atrocities Act by addressing the civil rights dimension of caste discrimination separately from criminal violence.

7.4 The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

This Act prohibits the employment of manual scavengers and provides for their rehabilitation. It imposes criminal liability on employers and local bodies that continue the practice. Implementation has been deeply inadequate, and deaths in sewers are documented every year with grim regularity.

7.5 The Right to Education Act, 2009

The RTE Act guarantees free and compulsory education for all children between six and fourteen and includes provisions against discrimination in schools. It came sixty-two years after independence — a delay that reflects the consistently low political priority assigned to ensuring that Dalit children could access schooling without humiliation or exclusion.

7.6 Bharatiya Nyaya Sanhita (BNS), 2023

The BNS replaced the Indian Penal Code from July 2024.[20] Section 192 deals with promoting enmity between groups. Offenses related to sexual assault, wrongful confinement, and intimidation apply to caste-based versions of these crimes. The BNS for the first time expressly includes 'caste' in provisions dealing with certain forms of discrimination and hate speech — a recognition that caste-motivated crimes require specific legislative identification rather than being absorbed into generic criminal categories.

7.7 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023

The BNSS replaced the Code of Criminal Procedure.[21] Key provisions relevant to caste cases include mandatory video recording of statements from victims and witnesses in sexual violence cases — important given documented patterns of witness intimidation in atrocity prosecutions. The BNSS also introduces stricter investigation timelines, targeting the chronic delays that have historically been used to frustrate atrocity cases.

7.8 Bharatiya Sakshya Adhiniyam (BSA), 2023

The BSA replaced the Indian Evidence Act.[22] Its provisions on electronic evidence are particularly significant given the increasing role of digital communications — WhatsApp messages, social media posts — in both the commission and documentation of caste discrimination. The Act continues provisions on dying declarations and previous statements, which are often critical in atrocity prosecutions where witnesses are subsequently intimidated into recanting.

8. Code of Conduct in Cases of Caste-Based Deviance

Beyond formal legislation, institutional codes and judicial guidelines attempt to translate legal provisions into operational practice — establishing what state actors are specifically required to do, and what they are prohibited from doing, in cases of caste-based discrimination.

[19]19. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, No. 1 of 2016, India Code (2016).
[20]20. Bharatiya Nyaya Sanhita, No. 45 of 2023, § 192, India Code (2023).
[21]21. Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 176, India Code (2023).
[22]22. Bharatiya Sakshya Adhiniyam, No. 47 of 2023, §§ 61–64, India Code (2023).

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8.1 Police Obligations Under the SC/ST Atrocities Act

When a complaint is received from a member of an SC or ST community, a case must be registered and investigated by an officer of not below the rank of Deputy Superintendent of Police. Failure to register an FIR is itself an offense under the Act.[23] The Rules require designation of special police officers in vulnerable areas and mandatory periodic inspections of areas prone to atrocities. These obligations are codified precisely because experience showed that without them, police officers from dominant castes would simply fail to act.

8.2 Duty of State to Provide Relief and Rehabilitation

The SC/ST (Prevention of Atrocities) Rules, 1995 and their 2016 amendment require the State to provide immediate relief to atrocity victims — food, clothing, shelter, medical care — and pay compensation at rates specified in the Rules. District Magistrates must conduct quarterly inspections and submit reports on pending cases. These provisions recognize that justice delayed is justice denied and that victims cannot be left to survive on nothing while their cases move slowly through the system.

8.3 Institutional Guidelines for Education

Following a series of suicides by Dalit students at central universities, the University Grants Commission issued guidelines in 2012 and 2016 requiring universities to establish Equal Opportunity Cells, appoint anti-discrimination officers, and create internal complaint mechanisms for caste-based harassment.[24] Implementation has been uneven at best. The recurring pattern of Dalit students taking their own lives — described by Dalit activists as institutional murders — suggests that guidelines have not translated into genuine institutional change.

8.4 Judicial Conduct and Direction

The Supreme Court has directed that cases under the Atrocities Act be tried by special courts on a priority basis and not transferred to regular criminal courts. Courts are expected to apply a victim-centric approach in atrocity cases, conscious of the power imbalances involved. Anticipatory bail in atrocity cases shall not ordinarily be granted — a position that has been contested, upheld, and clarified through successive Supreme Court decisions, reflecting ongoing contestation over the Act's protective scope.

9. Key Case Laws and Judicial Pronouncements

9.1 Indra Sawhney v. Union of India (1992)

The nine-judge Constitution Bench upheld twenty-seven per cent reservations for OBCs in central government employment.[25] The Court established the fifty per cent ceiling on total reservations, introduced the creamy layer concept to exclude more affluent OBCs from reservation benefits, and held that reservations in promotions are not constitutionally mandated. This remains the foundational reference point for all reservation jurisprudence. Its significance extends beyond the specific legal holdings — it was the first time the Court engaged seriously and at length with historical data on caste-based socioeconomic deprivation as the justification for affirmative action.

9.2 State of Karnataka v. Appa Balu Ingale (1993)

This case recognized the pervasive practice of untouchability in rural India and held that Article 17 does not merely prohibit the practice — it imposes a positive duty on the State to actively eliminate it.[26] Passive prohibition was not enough; the formal legal abolition of untouchability had to be backed by

[23] 23. Atrocities Act, *supra* note 18, § 14; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, r. 7.

[24] 24. Univ. Grants Comm'n, UGC (Promotion of Equity in Higher Educational Institutions) Regulations, 2012 (2012).

[25] 25. Indra Sawhney v. Union of India, AIR 1993 SC 477 (India).

[26] 26. State of Karnataka v. Appa Balu Ingale, 1993 Supp (4) SCC 469 (India).

enforcement. This ruling remains important as authority for the proposition that the State's obligation under Article 17 is affirmative in nature.

9.3 M. Nagaraj v. Union of India (2006)

A Constitution Bench upheld the constitutional amendments enabling reservations in promotions for SCs and STs but required the State to satisfy a three-fold test: demonstrating the backwardness of the class, the inadequacy of their representation, and the absence of adverse effect on administrative efficiency.[27] This added an empirical burden to promotional quotas. The judgment illustrates the ongoing tension between the social justice rationale for reservations and the judiciary's concern with administrative efficiency — a tension that continues to animate reservation jurisprudence.

9.4 Ashoka Kumar Thakur v. Union of India (2008)

The Court upheld the 93rd Constitutional Amendment enabling reservations in private unaided educational institutions and confirmed that the creamy layer exclusion applies to OBCs in educational admissions.[28] The case is significant for the judicial engagement with evidence of persistent caste-based educational disadvantage — the Court was willing to look directly at the data on how caste continues to shape educational outcomes even in ostensibly merit-based systems.

9.5 Dr. Subhash Kashinath Mahajan v. State of Maharashtra — and the Constitution Bench Reversal (2018-2019)

In 2018, a two-judge bench issued directions that effectively diluted the SC/ST Atrocities Act — requiring a preliminary inquiry before registering an FIR and permitting anticipatory bail.[29] The directions caused nationwide protests and were immediately challenged. A Constitution Bench in 2019 overruled them, holding that they were contrary to the scheme of the Act and that general bail provisions do not override the Act's protections. This episode matters for understanding the institutional dynamics of caste law: even the Supreme Court is not immune from the upper-caste biases that permeate Indian institutions, and the protections of the Atrocities Act remain a site of active legal contestation.

9.6 Janhit Abhiyan v. Union of India (2022)

By a three-to-two majority, the Supreme Court upheld the 103rd Constitutional Amendment providing ten per cent reservations for Economically Weaker Sections from the general category, excluding SCs, STs, and OBCs.[30] The majority held that economic disadvantage can be a valid criterion for affirmative action. The two dissenting judges argued that excluding SCs, STs, and OBCs from EWS benefits while creating a new reservation category perpetuated rather than remedied discrimination, and that the Amendment violated the basic structure of the Constitution by abandoning the social justice principle on which the reservation framework was built.

9.7 Sukanya Shantha v. Union of India (2024)

In one of the most recent and significant rulings on caste discrimination, the Supreme Court held that Prison Manuals of several states violated Articles 14, 15, 17, and 21 by assigning menial and degrading tasks to SC and ST prisoners based on their caste.[31] The Court ordered revision of these manuals and held that caste discrimination within prisons — institutions of the State — represents a particularly egregious constitutional violation. The case is a reminder that caste penetrates even the most coercive state institutions, and that the duty to eliminate it cannot be outsourced to civil society alone.

10. Conclusion

Three thousand years of history do not dissolve in seventy-five years of constitutional

[27] 27. M. Nagaraj v. Union of India, (2006) 8 SCC 212 (India).
[28] 28. Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1 (India).
[29] 29. Dr. Subhash Kashinath Mahajan v. State of Maharashtra, (2018) 6 SCC 454 (India), *overruled by* Union of India v. State of Maharashtra, (2019) 6 SCC 162 (India).
[30] 30. Janhit Abhiyan v. Union of India, (2022) 15 SCC 1 (India).
[31] 31. Sukanya Shantha v. Union of India, (2024) SCC OnLine SC 2472 (India).

democracy. That much is clear. The caste system in India has survived colonialism, independence, industrialization, and urbanization. It has adapted to new economic conditions — expressing itself through discrimination in formal sector employment as readily as through untouchability at village wells. It has migrated to university campuses, to corporate hiring processes, to social media platforms. It has found expression in state institutions — in police stations, in universities, in prisons. It is, as the evidence consistently shows, remarkably resilient.

And yet there is real progress to acknowledge. The legal framework India has built — imperfect, contested, and inconsistently enforced — is among the most elaborate anti-discrimination architectures in the world. The Supreme Court, at its best, has been a genuine force for progressive constitutional interpretation. The SC/ST Atrocities Act has made it possible to name caste violence as a specific category of crime. Reservations have genuinely created a Dalit middle class that did not exist in 1950. Dalit political leadership, Dalit academic scholarship, Dalit journalism — these are realities today, won through generations of struggle.

But the gap between what the law promises and what daily life delivers for millions of Dalits, Adivasis, and other marginalized people remains vast. The nine-year-old boy beaten to death for drinking water in 2022 is a fact. The Dalit PhD student driven to suicide by institutional indifference is a fact. The eighty per cent pendency rate in atrocity cases is a fact. The near-total absence of Dalit faculty in India's central universities is a fact. These facts sit uncomfortably alongside any narrative that constitutional democracy has, over seventy-five years, substantially solved the caste problem. It has not.

What is needed is not more law, though better enforcement of existing law would help enormously. What is needed is a transformation in the institutions that implement the law — their composition, their culture, their accountability. It requires an educational system that teaches children not just that untouchability is illegal but why caste itself is morally indefensible. It requires economic policies that actively address the dispossession that caste has engineered over centuries. And it requires honest public conversation about a problem that too many upper-caste Indians still prefer to treat as exaggerated, solved, or someone else's concern.

Ambedkar described Hindu society as a multi-storeyed tower with no staircase and no entrance — everybody dies in the storey in which they are born. His life's work was to build the staircase. The Constitution was the entrance. What remains — the hard, unglamorous, daily work of actually walking through it — is a task that belongs to every citizen of a country that has promised, in its founding document, equality and dignity for all.

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