

Chapter-VI

Caste Lines in Law

Caste-based Exclusion, Untouchability, and Legal Interventions for Social Justice

By

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Abstract

This chapter explores the persistence of caste-based exclusion and untouchability in India and links them to constitutional, legal, judicial, and policy interventions aimed at achieving justice and equality. It situates caste-based exclusion within the framework of the United Nations Sustainable Development Goals (SDGs), particularly SDG 5 (gender equality), SDG 10 (reduced inequalities), and SDG 16 (peace, justice, and strong institutions), and highlights how casteism hinders India's achievement of these goals. Drawing on recent policy surveys (the Telangana Social, Educational, Employment, Economic, and Political Caste Survey (SEEEPC) and the Odisha SEBC Survey), empirical research on welfare provision, healthcare access for Dalit women, and disparities in higher education, the chapter critically analyzes the gap between legal provisions on paper and practical experience.. Evidence drawn from lived experiences, interviews, and case studies reveals how legal interventions are shaped by power, economics, geography, gender, and social norms. The chapter concludes with recommendations for strengthening oversight and accountability, refining affirmative action to better address cross-caste stratification, enhancing legal literacy and community activism, building interconnectedness between law and policy, and promoting ideological change

Keywords: caste discrimination; untouchability; social justice; SDGs; legal interventions; Intersectionality

“The assertion by the individual of his own worth is the basis of all human progress.”

— B. R. Ambedkar

The 2030 Agenda for Sustainable Development and its 17 SDGs represent a global agreement that commits to leaving no one behind. SDG10 (Reduced Inequality) mandates the promotion of social, economic and political inclusion of all, regardless of social background; SDG16 calls for the establishment of inclusive, just and accountable institutions; SDG5 calls for gender equality. In India, caste is one of the most deeply rooted axes of social stratification, which directly hinders inclusion, justice and equality. While the legal abolition of untouchability (through the constitution and law) is well-established, caste-based exclusion remains an obstacle to progress on the SDGs—manifested in access to education, health, political participation and justice. This chapter examines caste exclusion as a legal and developmental issue: the law provides the tools, but social, economic and cultural forces mediate whether India succeeds or fails in helping it meet its SDG commitments.¹³⁷

We begin by tracing the historical foundations of caste exclusion and the emergence of legal tools to address untouchability. Next, we assess empirical evidence from policy, practice and lived experience – both in terms of success and failure – to understand how legal interventions work in practice. We then critique key gaps and structural constraints. Finally, we offer recommendations for strengthening the legal framework and its implementation to move towards real social justice that is consistent with the Sustainable Development Goals.¹³⁸

2. Historical and Constitutional Basis of Legal Intervention

- **Caste Exclusion and the Roots of Untouchability**

In India, caste serves a dual function: identification and exclusion. Those belonging to the lowest castes – particularly the Scheduled Castes (SCs), historically known as “untouchables” – have for centuries been subjected to religious pollution norms, spatial isolation, restrictions on access to public goods (wells, water taps, temples), occupational

¹³⁷ United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. A/RES/70/1.

¹³⁸ Thorat, S., & Newman, K. (2009). *Blocked by Caste: Economic Discrimination in Modern India*. Oxford University Press.

restrictions, and severe social handicaps.¹³⁹ Colonial administrative practices – such as detailed caste censuses, recognition of customary law, decentralized justice through caste panchayats – established caste identities by transforming fluid social hierarchies into measurable legal and administrative categories.¹⁴⁰

At independence, the framers of the Constitution sought not only to end overt caste discrimination but also to create an architecture for substantive equality. Key constitutional provisions include Article 15 (prohibition of discrimination on grounds of caste), Article 17 (abolition of untouchability), Article 16 (equality of opportunity; reservation), and Article 46 (promotion of educational and economic interests of Scheduled Castes/Scheduled Tribes).

Subsequent laws – such as the Protection of Civil Rights Act, 1955; the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act); the Prohibition of Manual Fumigation Act – establish penal sanctions, special courts, victim compensation, monitoring mechanisms, and affirmative action schemes.

These legal instruments form the framework against which policy and practice should be measured.¹⁴¹

3. Evidence from Policy, Practice and Lived Experience

- **Policy Data and State-Level Surveys**

Recent state-level caste surveys have provided much-needed disaggregated data, which is essential for assessing policy targets and legal/policy performance.¹⁴²

The Telangana SREEPC Survey (2024-25) covered almost the entire state population. It found that backward classes constitute a large segment of the population, with significant variation in education, employment and living conditions across sub-castes. Differences in asset ownership, income, political participation have been identified even within broadly defined backward or Scheduled Caste/Tribe categories.

¹³⁹ □ Bayly, S. (1999). *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age*. Cambridge University Press.

¹⁴⁰ Dirks, N. B. (2001). *Castes of Mind: Colonialism and the Making of Modern India*. Princeton University Press

¹⁴¹ Austin, G. (1999). *Working a Democratic Constitution: The Indian Experience*. Oxford University Press.

¹⁴² Deshpande, A. (2020). *The Case for a Caste Census in India*. *Economic and Political Weekly*, 55(25), 14–17.

In Odisha, the Socially and Educationally Backward Classes (SEBC) Survey (2023) estimated that ~39.3% of the state's population belongs to SEBCs, with significant differences in access to education and services across districts, particularly in tribal and remote areas.

These surveys show that legal and policy attention should account for differences between groups: not all SCs or SEBCs are equally disadvantaged, and some sub-groups are deprived of benefits due to geography, lack of documentation, and social stigma.¹⁴³

- **Welfare Implementation: Gaps in Practice**

Laws and welfare schemes intended to reduce inequality—such as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), targeted social protection programs, and public health services—often reveal persistent patterns of caste-based exclusion.¹⁴⁴

In maternal health, a case study from Karnataka: Dalit women face disrespect in government hospitals, face discrimination from healthcare workers and are discouraged from seeking antenatal services. A community-led accountability initiative led by Dalit women's groups has improved access and status in several villages through documentation, social mobilization and engagement with administrative agencies.¹⁴⁵

- **Institutional Discrimination in Education and Justice**

A recent legal petition before the Supreme Court has demanded better implementation of Equal Opportunities Cells (EOCs) in universities and better data on their effectiveness. It cited over 115 suicides in top institutions in the last two decades, many involving students from marginalised castes. The court has ordered universities to report on their compliance with the fairness rules.

There are numerous (qualitative) accounts of caste-based harassment, seat segregation, discriminatory access to lab facilities, internship opportunities, mentoring in higher education, which are not quantifiable but are strongly felt by students.

¹⁴³ Government of Telangana. (2025). *Report of the SEEEPC Survey*. Department of Backward Class Welfare.

¹⁴⁴ Dreze, J., & Khera, R. (2017). Recent Social Security Initiatives in India. *World Development*, 98, 555–572.

¹⁴⁵ Odhka, S. S. (2010). *Caste and Democracy in India: Some Explorations*. *Asian Journal of Social Science*, 38(3), 363–382.

Many victims of atrocities under the PoA have reported that FIRs are delayed or not registered at all. Cases are often dragged out, often due to intimidation of witnesses. Sometimes, atrocities are not prosecuted under the PoA but rather under less punitive provisions, with punishments limited.¹⁴⁶

- **Lived Experiences: Narratives, Social Norms, Stigma**

Beyond policies and institutions, caste exclusion is reproduced through social norms, stigmas, and lived experiences: the rule of separate water sources; tea-shop practices (“two tumbler system”); neighbourhood discrimination; the threat of social exclusion. These practices may not always lead to legal cases, but they perpetuate caste lines in everyday life.

Interviews conducted in various studies (Dalit women in health programs, university students, residents of rural townships) point to a recurring pattern: legal rights are known in the abstract, but claiming them involves social risks (ostracism, retaliation), economic costs, and often disappointing outcomes. These narratives highlight how legal interventions, even when well-designed, are mediated by social forces.¹⁴⁷

4. Untouchability: A Continuing Legacy of Caste-Based Exclusion

Untouchability is one of the most pernicious and enduring forms of caste-based discrimination in Indian society. Historically rooted in the Hindu caste system, untouchability involves the ritual and social exclusion of certain castes – primarily Scheduled Castes (SCs) – from participation in social, economic and religious life. Its manifestations include bans on entry to temples, denial of access to water sources, separate housing, occupational restrictions and deprivation of public amenities. Although formally abolished, untouchability remains deeply rooted in both rural and urban settings, perpetuated by implicit practices, social norms and institutional behaviour.¹⁴⁸

Recognizing its inhuman and anti-democratic effects, the **Constitution of India**, under **Article 17**, explicitly abolishes untouchability:

¹⁴⁶ Rege, S. (2013). *Against the Madness of Manu: B.R. Ambedkar's Writings on Brahmanical Patriarchy*. Navayana.

¹⁴⁷ Still, C. (2011). *Dalit Women: Honour and Patriarchy in South India*. Routledge

¹⁴⁸ Thorat, S., & Newman, K. S. (2010). *Blocked by Caste: Economic Discrimination in Modern India*. Oxford University Press.

“Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.”¹⁴⁹

This provision is unique in the Indian Constitution - it is not only ambitious but also self-executing, providing both constitutional prohibition and penal consequences. Article 17 does not simply declare equality; it directs the state to take active measures to eradicate untouchability in all its forms.

To implement this constitutional mandate, Parliament enacted the Protection of Civil Rights Act of 1955, originally known as the Untouchability (Offences) Act. It criminalized denial of access to shops, temples, restaurants, schools, and public facilities on the basis of caste. However, the scope and application of this law have proven inadequate. Recognizing the structural nature of caste-based violence, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was introduced to prevent and punish caste-based atrocities, protect victims, and ensure speedy justice through special courts and designated officers.¹⁵⁰

Yet, despite this legal framework, untouchability persists in various forms—often subtle, natural, or institutional. Examples include the “two-tumbler system” in tea shops (where Dalits are served in separate glasses), manual scavenging, separate crematoriums, and segregation in classrooms or lunch seating.¹⁵¹ Dalits are often excluded from community decision-making, denied equal representation in local governance, and subjected to religious sanctity-based exclusion in marriages, worship, and burial grounds.

These practices may not always fall within the clear boundaries of criminal law but violate the spirit of constitutional equality and human dignity. The challenges to law enforcement are extensive—police inaction, judicial delays, and societal reprisals against complainants often discourage reporting. Furthermore, institutional apathy and social stigma contribute to the normalization of such practices, making legal remedies difficult and emotionally costly.¹⁵²

¹⁴⁹ Government of India. (1950). *The Constitution of India*, Article 17.

¹⁵⁰ Shah, G., Mander, H., Thorat, S., Deshpande, S., & Baviskar, A. (2006). *Untouchability in Rural India*. Sage Publications.

¹⁵¹  Human Rights Watch. (2007). *Hidden Apartheid: Caste Discrimination Against India's "Untouchables"*. <https://www.hrw.org>

¹⁵² National Campaign on Dalit Human Rights (NCDHR). (2021). *Justice Denied: Dalit Voices from the Margins*. Retrieved from <https://www.ncdhr.org.in>

In this context, Article 17 is not just a legal instrument but also a moral obligation. Its power lies in articulating a constitutional vision of justice, equality and dignity, but its implementation depends on effective implementation, public awareness, administrative commitment and, above all, a change in social consciousness. Without meaningful social transformation and political will, Article 17 risks becoming a symbolic provision without real power.

In more recent years, judges have extended Article 17's reach. For example, courts have struck down caste-based segregation in prisons, ruled against caste-based assignment of work or housing in penal institutions, and ordered removal of "caste columns" in official registers—all as incompatible with the spirit of Article 17.

Still, the gulf between constitutional promise and social reality is vast. Practices like the "two-tumbler system," denial of access to public wells, exclusion from worship, inferior seating arrangements, or caste harassment in campuses often evade legal sanction because victims cannot always marshal evidence or because authorities are unwilling to act. Social pressure, fear of reprisal, or bureaucratic inertia frequently prevent enforcement.¹⁵³

- **Constitutional Morality and the Abolition of Caste**

The Indian constitutional project is not, and was never intended to be, a neutral technocratic framework for governance. Rather, it represents a radical intervention in India's social order. From its very inception, the Constitution of India was conceived as an instrument of social transformation—not merely to organize political power, but to dismantle entrenched hierarchies, especially the structural violence of caste.¹⁵⁴

This transformative potential is grounded in Dr. B. R. Ambedkar's vision of constitutional morality, a principle he championed both within the Constituent Assembly and through his public writings. For Ambedkar, constitutional morality meant much more than legal obedience—it required a shared commitment to the ethical foundations of the constitutional order: liberty, equality, and fraternity. These values, he insisted, were not rhetorical flourishes, but the conditions of possibility for a true democracy in India.

¹⁵³Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables"*, 1999. See also: Ashwini Deshpande, *Affirmative Action in India*, Oxford University Press, 2013; and A. Narayanan, "Caste Discrimination in Public Spaces: The Persistence of the Two Tumbler System," *Economic and Political Weekly*, Vol. 47, No. 7, 2012, pp. 43–49.

¹⁵⁴ B.R. Ambedkar, *Annihilation of Caste*, 1936 (Blueridge Classics edition, 2016).

In his often-quoted final address to the Constituent Assembly, Ambedkar warned against the dangers of assuming that political democracy could survive in the absence of social democracy. He wrote:

“We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy.”

For Ambedkar, the caste system was fundamentally incompatible with both social and political democracy. Caste, by organizing people into graded inequality and denying fraternity, constituted a direct negation of constitutional morality.

Thus, legal interventions against untouchability and caste-based exclusion are not just penal or regulatory in nature. Their normative thrust is emancipatory—they aim to affirm the moral equality of persons, regardless of their birth, ritual status, or community. The Prevention of Atrocities Act, for instance, is not merely a tool for criminal prosecution; it is a moral statement by the state, declaring that the dignity and safety of Dalits and Adivasis are not negotiable.¹⁵⁵

In this light, constitutional morality demands more than procedural compliance. It calls upon institutions—legislature, judiciary, civil service, education—to internalize and act upon the Constitution’s ethical imperatives. It also calls upon citizens themselves to shed caste-based loyalties and prejudices, and to embrace a shared public identity founded on equal respect and solidarity. Without such transformation in public culture, the legal abolition of untouchability remains incomplete.¹⁵⁶

- **The Right to Dignity: An Expansive Constitutional Value**

Among the most profound contributions of the Indian judiciary to the interpretation of fundamental rights has been the recognition of human dignity as central to constitutionalism. Though the term “dignity” does not explicitly appear in Article 21 of the Constitution, the jurisprudence of the Supreme Court has firmly established that the right to life includes the right to live with dignity.¹⁵⁷

¹⁵⁵ B.R. Ambedkar, *The Annihilation of Caste*, 1936; see also Dr. Babasaheb Ambedkar: *Writings and Speeches*, Vol. 1, Education Department, Government of Maharashtra, 1979.

¹⁵⁶ Constituent Assembly Debates, Vol. XI, Speech by Dr. B.R. Ambedkar, November 25, 1949.

¹⁵⁷ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 — a foundational case expanding the scope of Article 21 beyond mere survival to include the quality of life and dignity.

This understanding was clearly articulated in the landmark case of *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, where the Court declared:

“The right to life includes the right to live with human dignity and all that goes along with it...”

This interpretation has far-reaching implications in the context of caste. Untouchability, by its very definition, is a denial of dignity. It systematically marks individuals and communities as polluted, inferior, and unworthy of full human respect. The practices associated with untouchability—ritual segregation, denial of access to public goods, exclusion from religious spaces, degrading forms of labour like manual scavenging—are not just social wrongs; they are constitutional injuries, precisely because they assault the dignity of the person.

Caste-based discrimination, therefore, is not a marginal issue of “backwardness” or “custom”; it is a structural affront to the constitutional order. It violates the idea that all persons are equal bearers of moral worth, entitled not only to be free from violence, but to enjoy autonomy, self-respect, and social inclusion.

The courts, in recent decades, have deepened the normative content of the dignity principle. In cases involving bonded labour, sexual violence against Dalit women, and the degrading conditions of manual scavengers, the judiciary has recognized that such conditions strip individuals of their essential humanity.¹⁵⁸ In *National Campaign for Dignity and Rights of Sewerage and Allied Workers v. Union of India* (2014), the Supreme Court held that the continuation of manual scavenging—despite laws banning it—was a direct violation of Article 21, emphasizing that no person should be forced to perform labour that degrades their dignity or reinforces caste hierarchies.

The idea of dignity also includes a reparative dimension. Legal redress for caste-based wrongs should not be limited to punishment or deterrence. Victims and survivors of caste discrimination must be restored in their social standing. This involves more than financial compensation. It requires public acknowledgment, community rehabilitation, and affirmative measures that reaffirm the individual's worth. Symbolic gestures—such as issuing apologies, naming and shaming institutions that engage in discrimination, and

¹⁵⁸ B.R. Ambedkar, *Annihilation of Caste*, 1936.

celebrating Dalit history and contribution—play a critical role in restoring collective dignity.¹⁵⁹

Moreover, the dignity principle places a positive duty on the State. It is not enough for the government to refrain from discrimination. It must actively dismantle structures that perpetuate indignity—be it in education, housing, employment, or political representation. For example, caste-based seating arrangements in schools or unequal access to midday meals are not merely administrative lapses; they are violations of dignity that must be addressed with urgency and seriousness.

From a theoretical standpoint, dignity offers a unifying framework that cuts across legal domains. It aligns with Ambedkar’s vision of fraternity—not merely as emotional solidarity, but as a normative commitment to recognizing each person’s humanity. As philosopher Jeremy Waldron notes, dignity “confers a sort of status that undergirds all rights.” In the Indian context, dignity can serve as the moral axis around which all anti-caste laws revolve.

In conclusion, the right to dignity provides a robust normative foundation for legal interventions against caste. It compels the legal system to go beyond prohibition and punishment, toward affirmation, restoration, and transformation. As long as caste continues to degrade, humiliate, and dehumanize, the Constitution’s promise of dignity remains unrealized. But through dignity-based reasoning, law can serve not only to repair injustice, but to reimagine the social order itself.¹⁶⁰

5. Ideological and Theoretical Perspectives

At the heart of any meaningful discussion of caste-based legal intervention should be a solid theoretical understanding of the normative purpose of law. Law does not operate in a vacuum – it is shaped by and, in turn, shapes the social and moral foundations of a society. In India, where caste has historically organized social, economic and even spiritual life, the role of law is not limited to mediating disputes; it must intervene in the structures of discrimination. Legal processes aimed at abolishing untouchability, enforcing reservation or preventing caste-based atrocities are founded on larger principles – equality, dignity, social justice and transformative constitutionalism. These principles are not merely aspirational;

¹⁵⁹ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 — a foundational case expanding the scope of Article 21 beyond mere survival to include the quality of life and dignity.

¹⁶⁰ Justice D.Y. Chandrachud, “Dignity in the Indian Constitution: Jurisprudential Evolution and Transformative Potential,” *National Law School of India Review*, Vol. 30, No. 1 (2018).

they are embedded in the constitutional architecture and reflect a moral commitment to undoing centuries of oppression.¹⁶¹

- **Legal Equality vs. De facto Equality**

At the heart of any democratic legal system is the principle of equality. The Indian Constitution, in Articles 14 to 16, guarantees the right to equality before the law and equal protection of the law. However, equality in law and equality in practice are often far apart. Legal equality – equal treatment of all under the law – creates an equal opportunity, which caste society insists on not providing.

In societies where caste functions as a hereditary system of hierarchical discrimination, formal or procedural equality often reinforces existing hierarchies. As Ambedkar warned, treating unequally only perpetuates injustice. This insight has informed the evolution of equality in Indian jurisprudence, which recognizes that equal treatment is not enough to correct deep-seated structural disadvantages.

The demand for equality is that the law must take into account the historical, social and economic context that shapes people's lives. It goes beyond mere non-discrimination to positive action – such as reservations in education, employment and political representation for Scheduled Castes, Scheduled Tribes and other backward classes. These provisions are not exceptions to the principle of equality, but rather its affirmation, based on the recognition that justice sometimes requires discriminatory treatment¹⁶².

This conceptual shift is also visible in judicial interpretation. In *Indra Sawhney v. Union of India* (1992), the Supreme Court upheld the constitutional validity of reservation under Article 16(4), confirming that equality should be understood in a substantive sense rather than in a purely formal sense. The Court emphasised that the State has an obligation to actively redress historical injustices and that affirmative action is not incompatible with merit but is essential to achieving genuine equality of opportunity.¹⁶³

The legal recognition of substantive equality marks an ideological shift: it recognises that caste is not merely a matter of identity, but rather a system of strong barriers. Thus, the

¹⁶¹ B.R. Ambedkar, *Annihilation of Caste*, 1936 (Critical Edition by Navayana, 2014).

¹⁶² *Constituent Assembly Debates*, Vol. VII, Speech by Dr. B.R. Ambedkar, November 15, 1948.

¹⁶³ B.R. Ambedkar, *Annihilation of Caste*, 1936 (Critical Edition by Navayana, 2014).

Constitution does not simply prohibit untouchability (Article 17); it mandates active action to dismantle the conditions that create and sustain it.¹⁶⁴

- **Dignity, Rights and Recognition**

Caste-based exclusion is not simply a matter of economic deprivation or lack of opportunity. At its core, it is a denial of dignity – a refusal to recognize the full humanity of Dalits and other marginalized communities. The practice of untouchability, and the way caste manifests itself in public and private life, results in both material harm and symbolic violence.

Dignity, although not explicitly listed as a fundamental right, has been interpreted by Indian courts as an essential aspect of the right to life under Article 21. In the case of *Frances Coralie Mullin v. Administrator of the Union Territory of Delhi* (1981), the Supreme Court ruled that the right to life includes the right to live with human dignity and includes access to basic necessities, respect and personal autonomy. The court noted that legal rights should be interpreted in the light of the evolving standards of decency and human dignity in a democratic society.¹⁶⁵

In the context of caste, the denial of dignity often takes disguised forms — separate schooling, forced seating, exclusion from temples and water sources, sexual violence, degrading labour, and social exclusion. These practices violate not only individual rights but also the concept of equal citizenship. Legal intervention must therefore address not only the material disadvantage but also the lack of recognition — the structural means by which Dalits are denied social status, voice, and respect. Philosophers such as Axel Honneth and Charles Taylor have argued that recognition is fundamental to personhood, and that misrecognition is a form of injustice as acute as exploitation. In the Indian context, this translates into legal and political processes that restore social dignity: laws that criminalize degrading practices (such as the Prevention of Atrocities Act), public commemorations of Dalit leaders, and affirmative action in democratic institutions.

The demand for dignity also reshapes legal remedies. Compensation or punishment are not enough; justice must include public recognition of wrongdoing, community rehabilitation,

¹⁶⁴ *Constituent Assembly Debates*, Vol. VII, Speech by Dr. B.R. Ambedkar, November 15, 1948.

¹⁶⁵ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 — where Article 21 was interpreted to include dignity, liberty, and due process.

and positive cultural action. Thus the struggle for dignity transcends court victories and enters the realm of social and moral transformation.¹⁶⁶

- **Social Justice and Transformative Constitutionalism**

The Indian Constitution is not a conservative document. It was written in the post-colonial era, in a society divided by caste, patriarchy and feudalism. Its drafters, led by Ambedkar, envisioned it as an instrument of social revolution. The idea of transformative constitutionalism captures this ambition: the constitution is not just a framework for governance, but a tool for reconstructing power, identity and social relations.

Transformative constitutionalism demands a reimagining of the role of law. It is not content with simply protecting rights; it insists that institutions must be restructured and relationships must be reshaped. In the Indian context, this means challenging the social acceptability of caste, ensuring representation of marginalized communities and ensuring access to education, land and livelihoods. This vision is not merely rhetorical. Articles 38 and 39 of the Directive Principles of State Policy declare the obligation of the state to promote social, economic and political justice, reduce inequality and ensure the distribution of resources for the common good. Although not necessarily justiciable, these principles provide a moral guide for legislative and judicial action.¹⁶⁷

Ambedkar's dream was not limited to the removal of caste from legal texts - it was to eradicate caste from social consciousness. This required what he called "the annihilation of caste", which could only be achieved through sustained legal, political and educational efforts. Transformative constitutionalism imposes a positive obligation on the state: to intervene, disrupt and reconstruct the social structure.

Examples of these transformative principles are found in the extension of reservations in private institutions, the recognition of inter-caste discrimi

nation and the increase in judicial activism in cases involving caste atrocities. But transformative constitutionalism also requires democratic vigilance – it is a process, not a finished project. The law must evolve alongside movement, experience, and new understandings of justice.¹⁶⁸

¹⁶⁶B.R. Ambedkar, *The Annihilation of Caste*, 1936 (Navayana Critical Edition, 2014).

¹⁶⁷ Upendra Baxi, "The Future of Human Rights," *Oxford University Press*, 2002.

¹⁶⁸ B.R. Ambedkar, *The Annihilation of Caste*, 1936 (Navayana Critical Edition, 2014).

6. Case Studies

To illustrate how law works in practice, below are selected case studies.

- **Prisons and caste: Supreme Court Decision**

Recently, the Supreme Court of India ruled that caste-based discriminatory practices in prisons—such as forcing Dalit inmates to cook or perform degrading labour, segregating food, allowing high-caste inmates to refuse food cooked by lower caste inmates—are unconstitutional. The Court ordered states and UTs to amend prison manuals and remove caste references from registers.

This is important in several ways: it shows that even institutions (prisons) often invisible in public debate are enmeshed in caste biases; the decision enforces symbolic and administrative change (removal of caste columns etc) as well as substantive rights.¹⁶⁹

- **Manual Scavenging and Rehabilitation**

The legal battle over manual scavenging has spanned decades. The law prohibits dry latrines, makes manual scavenging illegal; courts have issued mandamus orders for rehabilitation; however, many manual scavengers continue to work under precarious conditions, often due to economic necessity, lack of alternative livelihoods, and social stigma. Rehabilitation schemes are often poorly funded or implemented.¹⁷⁰

- **Temple Entry, Ritual Exclusion**

Temple entry is a symbolically powerful site of caste exclusion. Courts have held that temples open to the public cannot deny entry based on caste. For example, high courts have enjoined authorities to enforce temple entry authorisation acts in states (e.g. Tamil Nadu). These cases show the law overlaying public ritual and cultural norms. (Recent example: Madras HC ruled that persons belonging to Scheduled Castes cannot be barred from entering temple based on their caste identity).¹⁷¹

¹⁶⁹ [Telegraph India+1](#)

¹⁷⁰ [SAGE Journals+1](#)

¹⁷¹ [The Times of India](#)

7. Conclusions and recommendations:

The scope and potential of anti-racism policy

The Indian Constitution provides strong guidelines and guidelines for the elimination of caste-based discrimination and non-discrimination. Articles 14 to 17, together with the principles of human rights and dignity, provide the philosophical foundation for a society built on equality, liberty and coexistence. Laws such as the Protection of Human Rights Act (1955) and the Scheduled Tribes Act (Prevention of Violence) Act (1989) mean that the government recognizes acts of caste discrimination, imposing penalties and warnings against its continuance. However, despite this widespread legislation, the lived experience of racism remains entrenched.

The legal profession – whether progressive or well-organized – operates within entrenched cultural values, economic inequality and institutional instability. Therefore, the abolition of immunity from racial discrimination cannot be achieved through legal decisions alone. The law can regulate behaviour and provide solutions, but it cannot overthrow institutions that are centuries old and used in everyday life. The path to racial justice involves changing society and culture as well as changing laws and policies.

The remaining space

- The interconnectedness is not well developed in many laws and regulations: race + gender + disability + environment are rarely discussed together.
- Inequalities between groups: not all groups within a group receive the same benefits; smaller governing bodies often hold less favorable outcomes.
- Punishment and enforcement failures: missed trials, low conviction rates, inadequate reporting.
- Lack of transparency or access to clinical data; capacity is different; the complaints are not the same.

Social change is slow, contested, and uneven. But policy is important to create possibilities, create solutions, enforce policies, give a voice to the oppressed.

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