



SC Strike Down 'Casteist' Provisions in India's Prison Manuals

For Prelims: [Supreme Court](#), [Fundamental rights](#), [Criminal Tribes Act, 1871](#), [Denotified tribes](#), [Rule 404 of the West Bengal Jail](#), [Scheduled Castes \(SC\)](#), [Scheduled Tribes \(ST\)](#), [Other Backward Classes \(OBC\)](#), [Untouchability](#), [Article 17](#), [Model Prison Manual, 2016](#), [Model Prisons and Correctional Services Act, 2023](#)

For Mains: Fundamental rights of prisoners, Amendment of the Prison Manuals, Caste based discrimination and Issue of Untouchability.

[Source: TH](#)

Why in News?

Recently, [the Supreme Court](#) ruled that [caste-based division of labour in prisons](#) is "unconstitutional," marking a **key step towards eliminating** institutional biases in India's correctional system.

- The SC invalidated several provisions in **State prison manuals** that upheld caste distinctions, declaring them a violation of prisoners' [fundamental rights](#).

How do Prison Manuals Reinforce Colonial Stereotypes?

- **Colonial Stereotypes in Prisons:**
 - **Colonial Legacy:** The now-repealed [Criminal Tribes Act, 1871](#), allowed the British colonial regime to **label certain marginalised communities as "criminal tribes,"** based on the false stereotype that they were "born criminals."
 - **Denotified Tribes:** After the **Act's repeal**, these communities were reclassified as ["denotified tribes."](#) However, **prison manuals** continued to **categorize them as "habitual offenders"** despite no convictions. **Example:**
 - **West Bengal Jail Code:** The court highlighted [Rule 404 of the West Bengal Jail Code](#), which states that a convict overseer may only be appointed as a night guard if they do not belong to tribes considered to have a "strong natural tendency to escape," such as wandering tribes.
 - **Andhra Pradesh, Tamil Nadu, and Kerala Prison Manuals:** These manuals define **"habitual criminals"** as those who, by "habit," engage in crimes like robbery, housebreaking, theft, forgery, or extortion—even without prior convictions.
 - **Restrictions on Labour:** In Andhra Pradesh, members of "wandering or criminal tribes" are equated with **individuals of "bad or dangerous character"** or those who have escaped custody. As a result, they are **barred from being employed in labor outside prison walls.**
 - **Perpetuation of Discrimination:** The court observed that this continued

classification **reinforces colonial-era caste-based discrimination**, worsening the social and economic marginalisation of these groups.

- **Examples of Caste Based Discrimination in Prisons:**
 - **Tamil Nadu Prison:** The **segregation of Thevars, Nadars, and Pallars** into separate sections **at the Palayamkottai Central Jail in Tamil Nadu** was a caste-based segregation of barracks.
 - **Rajasthan Prison:** The **Rajasthan Prison Rules, 1951**, assigned latrine duties to the "**Mehtar**" caste, a Scheduled Caste community, while Brahmins or high-caste Hindu prisoners were placed in kitchens.

Denotified, Nomadic, and Semi-Nomadic Tribes

- They are also known as '**Vimukt Jatis**'. These communities are among the most vulnerable and disadvantaged.
- Denotified communities, once labelled as 'born criminals' during British rule under laws like the Criminal Tribes Act, 1871.
 - They were officially **de-notified by the Indian Government in 1952**.
- A few of these communities which were listed as de-notified were also **nomadic**.
 - Nomadic and semi-nomadic communities are defined as those **who move from one place to another rather than living in one place all the time**.
- Historically, Nomadic Tribes and De-notified Tribes never had access to private land or home ownership.
- While most DNTs are spread across the **Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) categories**, some DNTs are not covered in any of the SC, ST or OBC categories.

How are Fundamental Rights of Prisoners Violated?

- **Caste Classification Limitation:** The Supreme Court emphasised that **caste can only be used as a classification criterion** if it benefits victims of caste discrimination. Eg. Caste based affirmative action (reservation).
 - **Segregating prisoners based on caste** reinforces caste differences and animosity, **should be eliminated**.
 - The prison manuals failed to serve this purpose and **violated Article 14** of the Constitution.
- **Direct and Indirect Discrimination:** The **SC** highlighted both direct and indirect discrimination against marginalized communities.
 - **Assigning cleaning and sweeping jobs to lower castes**, while allowing higher castes to perform tasks like cooking, is a clear example of **direct discrimination** under **Article 15(1)**.
 - The **allocating certain tasks to these communities** based on traditional roles, rather **than offering them more skilled or dignified work**, results in **indirect discrimination**.
- **Violation of Equality:** Differentiating inmates based on "habit," "custom," "superior mode of living," or "natural tendency to escape" undermines the principles of substantive equality.
 - The **SC highlighted** prison rules that mandate **food be cooked by a "suitable caste" or assign "menial duties" to certain communities**, classifying these practices as **untouchability**, which is prohibited under **Article 17**.
- **Right to Life and Dignity:** The court underscored that prison rules restricting the reformation of **marginalised prisoners violate their right to life and deprive** them of dignity and equal treatment, further marginalizing them.

Constitutional and Legal provisions Against Discrimination

- **Constitutional Provisions:**
 - **Equality Before Law:** According to **Article 14** no person shall be denied treatment

of **equality before the law or the equal protection of the laws** within the territory of India.

- **Prohibition of Discrimination: Article 15** of the Constitution of India states that the State shall **not discriminate against any citizen** on grounds only of religion, race, caste, sex, place of birth or any of them.
- **Abolition of Untouchability: Article 17** of the constitution abolishes **Untouchability**.
- **Legal Provisions:**
 - **The Protection of Civil Rights Act, 1955:** The act was **enacted to enforce Article 17 of the Constitution of India**, which abolished the practice of untouchability.
 - **The SCs and the STs (Prevention of Atrocities) Act, 1989:** It was enacted to **safeguard the members of SCs and STs from caste-based discrimination** and violence.

What were the Directives Issued by SC?

- **Amend Prison Manuals:** All States and Union Territories were ordered to **revise their prison manuals and rules within three months** to eliminate discriminatory practices.
- **Removal of Caste References:** The court mandated the **removal of the “caste column”** and any references to caste from the registers of undertrials and convicts maintained in prisons.
- **Issues in Model Prison Manual and Act:** The Union government’s **Model Prison Manual, 2016**, and the **Model Prisons and Correctional Services Act, 2023**, were flagged for shortcomings such as caste discrimination.
 - The **2016 manual** was particularly criticized for its **vague definition of “habitual offender,”** allowing States to perpetuate stereotypes against denotified tribes.
 - The court ordered that **reforms be made to both the 2016 and 2023 Act within three months**.
- **Compliance Monitoring:** District legal services authorities and boards of visitors were tasked with **conducting regular inspections to ensure compliance** with these directives.
- **Police Instructions:** Police authorities were instructed **not to arbitrarily arrest members of denotified tribes**, ensuring adherence to guidelines established in previous Supreme Court rulings.

Conclusion

The Supreme Court's recent ruling to abolish these discriminatory practices marks a **significant step towards achieving substantive equality in prisons**. By mandating the removal of caste references, revising outdated definitions, and addressing biases against marginalised communities, the court has reinforced the **importance of dignity, fairness, and reform for all prisoners**. This decision paves the way for a more just and inclusive correctional framework in India.

Drishti Mains Question:

How does the recent Supreme Court ruling on caste-based division of labour in prisons represent a landmark step towards addressing institutional biases in India’s correctional system?

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims:

Q. Which one of the following categories of Fundamental Rights incorporates protection against untouchability as a form of discrimination? (2020)

- (a) Right against Exploitation
- (b) Right to Freedom

(c) Right to Constitutional Remedies

(d) Right to Equality

Ans: (d)

Mains

Q. What do you understand by the concept of “freedom of speech and expression”? Does it cover hate speech also? Why do the films in India stand on a slightly different plane from other forms of expression? Discuss.

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