



## Caste Based Discrimination in Indian Prisons

**For Prelims:** [Supreme Court of India](#), [Public Interest Litigation](#), [Chief Justice of India](#), **Prisons Act of 1894**, [Manual Scavenging](#), [Model Prisons Act, 2023](#)

**For Mains:** Issues Related to Prisons in India, Impact of various caste-based discriminatory practices prevalent in the society, Caste System

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### Why in News?

The [Supreme Court \(SC\) of India](#) recently issued notice to the Centre and 11 states on a [public interest litigation \(PIL\)](#) that alleged [caste-based discrimination](#) and **segregation of prisoners in jails** and sought a direction to repeal provisions that mandate such practices under the state prison manuals.

### What are the Instances of Caste Based Discrimination Highlighted by the PIL?

- **Instances of Discrimination:**
  - The PIL exposes instances from Madhya Pradesh, Delhi, and Tamil Nadu jails where **cooking is allocated to dominant castes**, while **"specific lower castes" are assigned menial jobs** such as sweeping and cleaning toilets.
    - The Prison system in India is alleged to perpetuate discriminatory practices, including the division of labour based on **caste hierarchy and the caste-based segregation of barracks.**
  - Caste-based labour distribution is deemed a relic of colonial India and is considered humiliating and unhealthy, violating the prisoners' right to life with dignity.
- **State Prison Manual Sanctions:**
  - The petition claims that prison manuals in various states sanction caste-based discrimination and forced labour within the prison system.
    - **Rajasthan Prison Rules 1951:**
      - Assignment of **Mehtars to latrines and Brahmins to kitchens** based on caste.
    - **Palayamkottai Central Jail in Tamil Nadu:**
      - The petition highlights the caste-based segregation of inmates in Palayamkottai Central Jail in Tamil Nadu, pointing to the separation of **Thevars, Nadars, and Pallars into different sections.**
    - **West Bengal Jail Code:**
      - Directs menial tasks like sweeping to prisoners from the **Mether or Hari caste, Chandal, and other castes.**
- **2003 Model Prison Manual Guidelines:**
  - The petition refers to the **2003 Model Prison Manual**, emphasizing guidelines for **classification based on security, discipline, and institutionalized programs.**
    - It argues against any classification based on socio-economic status, caste, or class.
- **Fundamental Rights:**

- The petition argues that a **person does not lose fundamental rights or the equality code** merely for being a prisoner, citing the Supreme Court's judgment in the **Sunil Batra v. Delhi Administration (1978) case on the fundamental rights of prisoners.**
- **Call for Repeal of Discriminatory Provisions:**
  - The petition emphasises the need to **repeal discriminatory provisions in state prison manuals**, advocating for the protection of prisoners' fundamental rights and equality within the prison system.

## What are the Supreme Court's Observations on Caste Discrimination in Prisons?

- Three-judge Bench, headed by the **Chief Justice of India**, finds that prison manuals in over 10 states support caste-based discrimination and forced labour.
  - States include Uttar Pradesh, Odisha, Jharkhand, Kerala, West Bengal, Madhya Pradesh, Andhra Pradesh, Maharashtra, Telangana, Punjab, and Tamil Nadu.
- Caste-based discrimination, segregation, and treatment of **denotified tribes** as "**habitual offenders**" within prisons are deemed a "**very important issue**" by the SC.
  - SC emphasized the **need for prompt and comprehensive addressing** of alleged discriminatory practices.
- The SC sent a notice and asked for a response from the States and the Union within four weeks on the petition.

## How do the Laws Allow Caste Discrimination Inside Indian Jails?

- **Legacy of Colonial Policies:**
  - India's criminal justice system, rooted in **colonial legacy**, primarily focuses on **punishment rather than reformation or rehabilitation.**
  - The '**Prisons Act of 1894**,' dating back almost 130 years, underscores the outdated nature of the legal framework.
    - The Act lacks provisions for the **reform and rehabilitation of prisoners.**
  - Recognizing the deficiencies in existing laws, the Ministry of Home Affairs (MHA) reviewed '**The Prisons Act, 1894**,' '**The Prisoners Act, 1900**,' and '**The Transfer of Prisoners Act, 1950**.'
    - This review led to the assimilation of relevant provisions into the forward-looking '**Model Prisons Act, 2023**.'
      - The effective implementation of the **Model Prisons Act, 2023** which was finalized by the MHA in May 2023, is **expected to improve the prison conditions and administration** and protect the human rights and dignity of the prisoners.
- **Prison Manuals:**
  - State-level prison manuals, largely unchanged since the establishment of the modern prison system, reflect both colonial and caste mentalities.
  - Existing prison manuals **enforce the central premise of the caste system**, emphasizing notions of purity and impurity.
    - State prison manuals mandate that duties like cleaning and sweeping must be performed by members of specific castes, perpetuating caste-based discrimination.
    - Prison manuals, such as the one in West Bengal under Section 741, safeguard the monopoly of "savarna Hindus" on cooking and carrying food for all prisoners.
  - Despite constitutional and legal provisions against untouchability, caste-based rules persist in prison administration.
- **The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013):**
  - Despite the outlawing of **manual scavenging** by the 2013 Act, it does not explicitly cover prison administration, and hence, the prison manuals that **allow caste discrimination and manual scavenging in jails** are not in violation of the Act.
    - Manual scavenging refers to the practice of manually cleaning, handling and disposing of human excreta and other waste materials from dry latrines, open

drains, and sewers.

## Way Forward

- The states should adopt the **Model Prison Manual of 2016** released by the Ministry of Home Affairs based on the **Nelson Mandela Rules in 2015**.
  - The **United Nations General Assembly** adopted the Nelson Mandela Rules in 2015, emphasizing **dignity and non-discrimination for all prisoners**.
- Courts should **consider judicial intervention to strike down discriminatory provisions**, ensuring the protection of fundamental rights and promoting equality within the prison system.
- Establish **robust monitoring mechanisms** to track progress in implementing reforms, holding authorities accountable for creating a more equitable prison system.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### **Mains**

**Q1.** “Caste system is assuming new identities and associational forms. Hence caste system cannot be eradicated in India.” Comment. **(2018)**

**Q2.** What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**

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