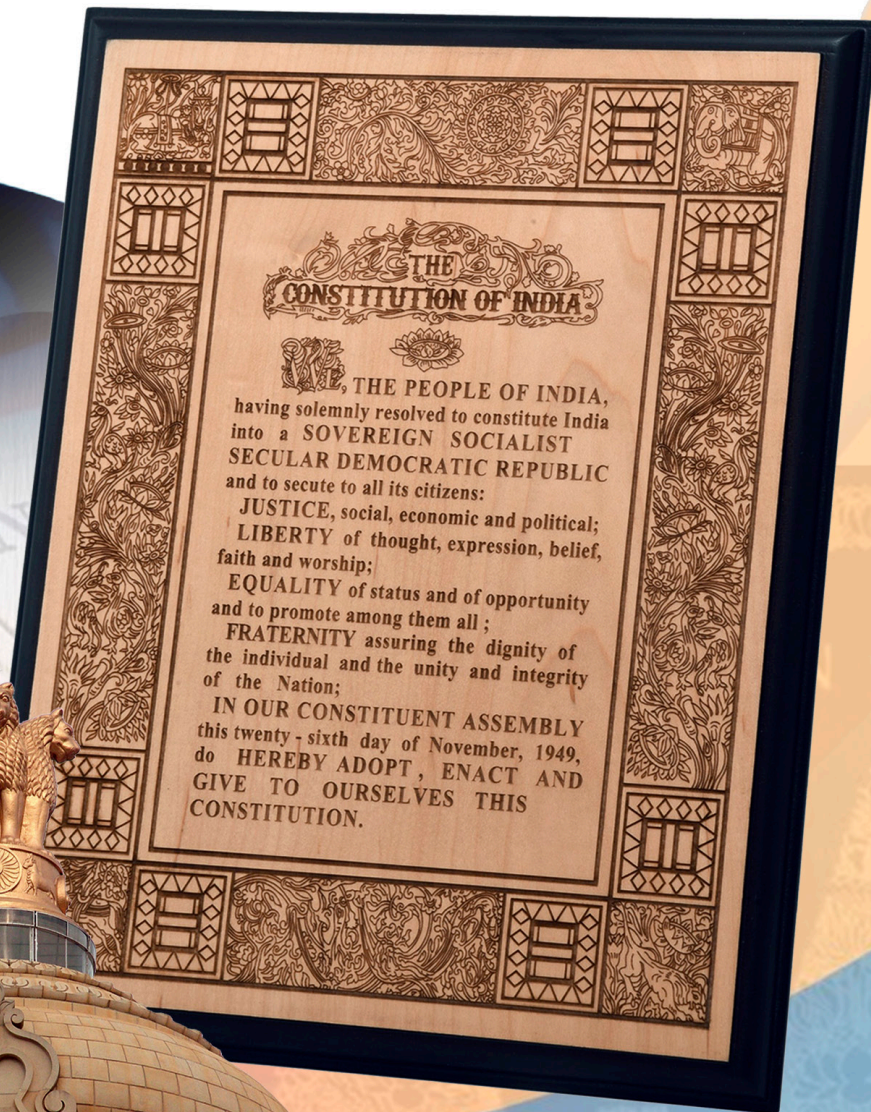


## Constitution Day

CONSTITUTION  
INDIA  
PREAMBLE



# Need to come out of paradox

The Supreme Court has recently delivered a judgement, retaining the status of Aligarh Muslim University (AMU) as a minority educational institution. SC has reversed its own 1967 judgement, which said that AMU was not a minority educational institute. At the same time, however, the apex court tasked the new constitutional bench to determine the parameters of minority educational institutes. Significantly, the original judgement was reversed almost 57 years after it was delivered.

The judgement is vital on several accounts as it involves a series of social, religious and constitutional issues. We refrain ourselves from making any comments on the said judgement but cannot restrain ourselves from highlighting issues in minority educational institutions. The most vital aspect is that of lack of provision of reservation for SCs and STs in minority educational institutions. It is a well-known fact that minority educational institutions do not adhere to reservation, which is a constitutional mandate. The status of 'minority status' is being used as a shield to avoid reservations provisions. In case of AMU, a series of complaints are raised as the university does not follow reservation neither in recruitment of students nor in providing job opportunities. A few court cases are also pending in this connection.

This issue needs to be examined in totality instead of taking it as a piece meal. The fact is that provision of minority educational institutions is mainly dominated by Muslim and Christian communities. Although there is provision of linguistic minorities, we have very few examples in this regard. Other religious minorities like Sikhs, Parsis or Buddhists have shown very few interests to benefit from the provision. The question arises as to why Christian or Muslim educational institutions

avoid accepting the constitutional provision of the reservation. Are these religions above the constitution? If these institutions' functions work under a law, what is the problem for them to implement constitutional provision? This is injustice for SC and ST for getting opportunity in education and jobs. In reality, it is against the spirit of the constitution, which ensures equality to all Indian citizens. The most anguishing part of the story is that SC and ST students can get admission from open quota in absence of reservation.

The judgement comes when another petition, involving reservation for minorities, is pending before the Supreme Court. Muslims and Christians, who previously belonged to untouchable communities have demanded reservation now. Muslim and Christians organizations are mobilizing opinion about it. Filing a petition in the top court seems to be part of their strategy. NDA government has opposed the demand and has formed a committee under the chairmanship of retired Chief Justice of India K G Balakrishnan. The committee is yet to complete its report but the issue is bound to come up in the near future.

This is a great paradoxical situation as Muslims and Christians do not wish to accept reservation in their educational institutions but insist on reservation for converted people. This is a big injustice to SCs and STs, who are genuinely in need of reservation. People, who are converted, were told by respective religions that caste has no space in their religion. Demanding reservation for them, is admission that either they were misled or lured. Is it ethical and legal? Additionally, minority community people are already getting reservation from OBC quota in several states. They are getting benefits of several schemes,

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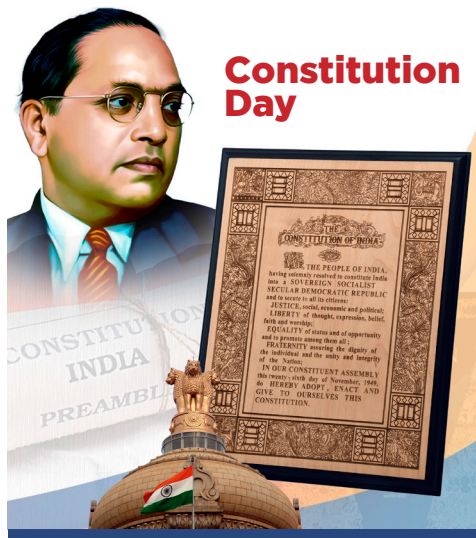




which are exclusively meant for minority communities. What is the intention behind demanding reservation as it will obviously deprive SCs and STs of their constitutional right?

AMU decision comes when SCs and STs are already upset over the new demand by converts. Now they will not get reservation in any minority educational institute. This

is not merely illogical and unethical but unconstitutional as well. Getting benefits of minority status in all the spheres of national life and getting a pie of other benefits at the same time is an invitation to social disturbance. People from all the pillars Parliament, Executive and Judiciary ought to adopt holistic approach and put national interest above all narrow consideration.



**Constitution Day**

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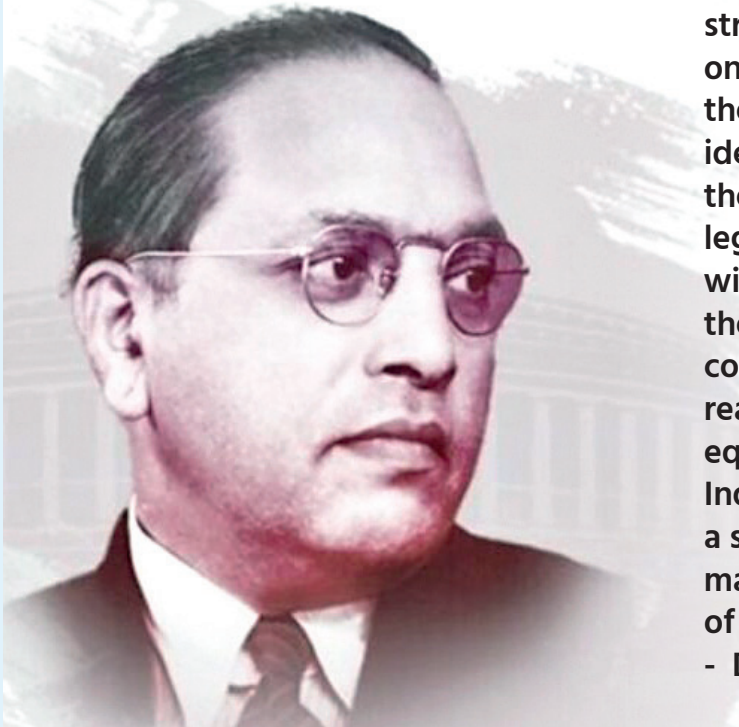
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# Indian Constitution: Opportunities and Obstacles



While India has made significant strides under its constitution, ongoing challenges remind us of the gap between constitutional ideals and realities. Addressing these areas requires structural, legal, and societal commitment, with a focus on upholding the Constitution's values. This continued effort is essential to realizing the vision of a just, equitable, and progressive India. "The Constitution is not a sacred scripture. It is a man-made document that is capable of being improved upon"

- Dr B.R. Ambedkar.

**Dr. Pratima Devi**

The Constitution is a legal document, having a special legal sanctity, which sets out the framework and the principal functions of the organs of the government of a state, and declares the principles governing the operation of those organs. Like every other Constitution, the Indian Constitution also seeks to establish the fundamental organs of government and administration, lays down their structure, composition, powers and principal functions, defines the inter-relationship of one organ with another, and regulates the relationship between the citizen and the state, more particularly the political relationship. The states have reasserted certain principles of law through written Constitutions.

As a democratic Constitution, the Indian

masterpiece also reflects the fundamental political values in substantive ways by guaranteeing fundamental rights to the citizens, and in procedural ways by providing remedies. It mirrors basic values about who shall govern, and in what direction. Constitution means the structure of a body, organism or organization, or we can also say what constitutes it or what it consists of. Because the nation is one of the biggest in the world with most varieties of people and the cultures, India needs an expressly written code of governance, more specifically when the people chose to have different institutes, estates, mechanisms and levels of sovereignty. And thus, we have the longest written constitution, which is one of the essential features of democratic federation.



The Constitution of India, adopted in 1950, has shaped the nation's democratic framework, promoting values of justice, equality, and liberty. It has provided a solid foundation for governance, human rights, and socio-economic development. India has maintained a stable democratic framework since independence, with regular elections, an independent judiciary, and the rule of law. It is one of the world's most extensive democracies, despite its complexity and diversity.

The Constitution has successfully balanced the need for unity with the recognition of India's cultural, linguistic, and regional diversity. Federalism has allowed regional interests to coexist with national objectives. The Constitution enshrines secularism, promoting religious freedom and equality. The judiciary has upheld secular values, although it remains a challenge in practical terms. The Constitution guarantees fundamental rights, including rights to equality, freedom, and protection against exploitation. Judicial activism, including the Public Interest Litigation (PIL) system, has helped enforce these rights. Affirmative action provisions have allowed reservations for Scheduled Castes, Scheduled Tribes, and Other Backward Classes, striving toward an equitable society. The right to education and welfare schemes aims to uplift marginalized sections.

The Indian judiciary, with the Supreme Court at its helm, has been a guardian of the Constitution through judicial review, interpreting constitutional principles and promoting accountability in government. Although the economic aspects of the Constitution initially emphasized socialism, reforms in the nineties allowed a shift towards liberalization, leading to economic growth and increased global integration. Recent amendments and judicial interpretations have added rights like the Right to Information, Right to Education, right to privacy and more recently, by 106th amendment reserves one third percentage of total seats in legislative bodies for women, making the Constitution more relevant to modern challenges.

Our Constitution is a cornerstone of our nation's governance and development. Its importance extends beyond its legal provisions, representing the values and principles of the Indian people. As citizens, it is essential to understand, respect, and uphold the Constitution to ensure a just, equitable, and prosperous India. No doubt the Indian Constitution is a revered document woven from aspirations and legal frameworks, stands as the bedrock of the nation's identity but some areas

need attention.


#### **Areas yet to be fully achieved**

**Judicial Accountability and Reforms:** judicial accountability is crucial for maintaining public trust and ensuring impartial justice. Despite judicial independence, there is a need for greater accountability mechanisms within the judiciary. Recent calls for reforms in the Collegium System for judicial appointments highlight issues with transparency and judicial integrity.

**Uniform Civil Code (UCC):** The absence of a UCC, despite it being enshrined in Article 44 as a directive principle, has left the country with diverse personal laws that sometimes conflict with principles of equality. The constitution of India proclaims that all are equal in the eye of the law. But in practice, this principle is not followed, and as a result disparity is growing in the arena of law and justice. Such disparity

**Reservation exists on paper; its practical implementation varies across sectors and institution. The Constitution allows the Union Government and states to reserve a percentage of seats in education, employment, and politics for socially and economically backward citizens. Despite efforts to promote equality, reservation policies face challenges and controversies, including debates on the 50% cap on reservations, implementation issues, and concerns about merit-based selection. Presently, the implementation of reservation is in theory; practical implementation is hindered by various challenges.**

is adversely affecting the different groups of people in the country. For example, there are disparities between the Hindu Code and the Muslim Code. Hindu women and Muslim women, although they are all Indian citizens, do not get equal advantages of law. For instance, according to Hindu law, a man cannot have more than one wife, but a Muslim man is entitled to have more than one wife. A Hindu husband or a Hindu wife is required to approach the court to secure a divorce, while a Muslim



man is entitled to divorce his wife without the permission or approval of the court. Moreover, a Muslim husband can divorce his wife but a Muslim wife cannot divorce her husband. Besides, a Muslim husband is not required to show any reason for the divorce. Disparity in the eye of the law is creating all these problems.

The root of all these evils lies in the psychological loopholes of the Indian constitution. Why is the constitution allowing the Hindu Code and Muslim Code to stand side by side? Let there be only one code – the Indian Code. This Indian Code should be based on cardinal human values, with a universal approach and Neo-Humanistic spirit. Then only equality before the law can be established in practice, and equal protection of the law for all can be guaranteed.

**Better Representation of Women:**

Although gender equality is a constitutional value, women's representation in Parliament remains low (currently around 14%). The Women's Reservation Bill, proposing 33% reservations for women in legislatures, has yet to be implemented, leaving this constitutional promise unfulfilled. The 106th amendment is a good step for women empowerment in India. It upholds the principles of social justice and equality, ensuring continued representation for marginalized communities. The objectives of this amendment should be achieved in toto otherwise all in vain.

**Centre- State relation:** The relation between the centre and the states in a confederation should be clearly defined in the constitution. Otherwise, there will be centre-state conflict and the whole country will be psychologically affected. Among all other aspects of this relation two important aspects should be clearly defined; the right of self-determination, and the right of secession of a particular component of the confederation. In the constitution of India these are not clearly stated. As a result, the relation between the centre and the states is always strained and pressured.

**Qualification of political leaders:** Despite the constitutional mandate for clean governance, a significant number of elected representatives face criminal charges, impacting the quality of governance. The Supreme Court has repeatedly called for legislation to prevent individuals with criminal backgrounds from contesting elections.

**Free speech limitations:** The use of sedition laws, such as in *Kedar Nath Singh v. State of Bihar 2*, where the Supreme Court upheld sedition laws but with restrictions, shows how free speech can still face limitations. Recent concerns over journalists and activists

being charged with sedition reflect ongoing challenges to free expression.

**Environmental conservation and climate change:** Although environmental protection is recognized in Article 48A, development projects often lead to environmental degradation, like deforestation for infrastructure projects. The need for balancing development with sustainability is evident in cases like the Aarey Forest dispute in Mumbai, where citizens protested against the cutting of trees for a metro depot.

**Improving health infrastructure:** The COVID-19 pandemic exposed gaps in India's healthcare infrastructure, highlighting the need to strengthen health systems and make quality healthcare accessible for all, which is vital for realizing Article 47 of the Constitution on public health as a duty of the state.

**Education Quality and Inclusivity:** While the Right to Education Act (2009) aims to ensure universal access to elementary education, challenges remain in improving quality, teacher availability, and infrastructure, especially in rural areas. For example, ASER (Annual Status of Education Report) data often show gaps in learning outcomes, indicating the need for further efforts in this area.

**Gender and sexual minority rights:** Although the Constitution promotes equality, LGBTQ+ individuals continue to face discrimination. The Supreme Court's 2018 ruling in *Navtej Singh Johar v. Union of India 3* decriminalized same-sex relations, but lack of protections in employment, marriage, and adoption reflects areas for legislative action to ensure equal rights.

**Poverty and social inequality:** Despite economic growth, wealth inequality persists. The Global Multidimensional Poverty Index often reveals that a significant portion of India's population still lives in poverty, highlighting the need for policies that address socio-economic disparities in line with constitutional goals of social and economic justice.

There should be a strict law for the indiscriminate destruction of flora and fauna. Humans, animals, plants, and inanimate objects exist together and maintain a harmonious balance. However, human beings, because of their superior intellect, are indiscriminately destroying plants and animals for their own narrow, selfish ends. In the constitution, there is no provision for the safeguard of the plants and animals. In a constitution, there should be safeguards for the lives of plants and animals. The absence of such provisions in the constitution creates loopholes, which should





be corrected without delay.

**Reservation policy:** Reservation in the Indian Constitution is a system of affirmative action designed to promote social and economic equality for marginalized communities. Implementation of reservation policies in India is a complex and multifaceted issue. Reservation exists on paper; its practical implementation varies across sectors and institution. The Constitution allows the Union Government and states to reserve a percentage of seats in education, employment, and politics for socially and economically backward citizens. Despite efforts to promote equality, reservation policies face challenges and controversies, including debates on the 50% cap on reservations, implementation issues, and concerns about merit-based selection. Presently, the implementation of reservation is in theory; practical implementation is hindered by various challenges.

#### **Conclusion**

While India has made significant strides under its constitution, ongoing challenges remind us of the gap between constitutional ideals and realities. Addressing these areas requires structural, legal, and societal commitment, with a focus on upholding the Constitution's values. This continued effort is essential to realizing the vision of a just, equitable, and progressive India. Last but not least the Constitution has not failed us but it is us who have failed

the Constitution. It is absurd to expect that conditions of Indians will change by having a new Constitution. Our Constitution does not contain any provision that obstructs a genuine measure to improve the economic and social conditions of our people. I can only conclude with the words of Joseph Story that were quoted by Sachidananda Sinha in his inaugural address as the Provisional Chairman of the Constituent Assembly on December 6, 1946:

“The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created – these are the words which I commend to you for your consideration of the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest and profligate are rewarded because they flatter the people, in order to betray them.”

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# Role of technology advancement in fulfilling Dr Ambedkar's goals

While methods may evolve with time, the core intentions behind Dr Ambedkar's principles remain relevant today. By reimagining his Pancha Sutri for the digital age, we can imagine how technology can be harnessed as a powerful tool for social justice.



Dr. Sonali

Since India gained independence in 1947, the nation has witnessed a remarkable transformation in technology that has reshaped every facet of life. Reflecting on the past, our grandparents relied heavily on postcards and telegrams for communication—methods that were often slow and limited in reach. The advent of the telephone was revolutionary, yet it was not until the liberalization of the telecom sector in the 1990s that communication became truly accessible to the masses. Today, mobile phones are ubiquitous, and smartphones have transformed how we interact, allowing instant messaging, video calls, and social media connections that transcend geographical barriers.

In healthcare, technological evolution

has significantly transformed access to medical services, particularly in rural areas with limited infrastructure. Telemedicine and mobile health applications allow patients to consult doctors remotely, effectively managing their health from home. Apps like Practo and PharmEasy connect individuals with healthcare professionals, saving time and travel costs. Additionally, electronic health records and advanced diagnostic tools have improved patient care, while the development of indigenous COVID-19 vaccines highlights India's growing capabilities in biotechnology. The transportation sector has also seen major advancements. The Indian Railway's online ticketing system introduced in the early 2000s simplified travel planning for millions.





Today, ride-sharing apps like Ola and Uber are popularizing more sustainable transport options, alongside the increasing adoption of electric vehicles as India moves toward greener urban mobility.

In entertainment, the landscape has changed dramatically with the rise of streaming services and digital platforms. From traditional cinema to on-demand services like Netflix and Amazon Prime Video, technology has democratized access to entertainment, allowing diverse voices and stories to reach wider audiences. This shift has transformed content consumption, making it more personalized and accessible than ever before. This version is more succinct while still conveying the key points about advancements in healthcare, transportation, and entertainment.

The quest for social justice continues in the digital realm as well. The #JusticeForRohith movement generated over 2.5 million tweets and spurred national policy discussions that resulted in increased scholarships for Dalit students—demonstrating the power of social media in advocating for change. Platforms like CGNet Swara have received over 500,000 reports regarding grievances related to tribal rights; more than 400 cases were resolved in Chhattisgarh alone through this initiative.

These technological advancements are not just milestones; they represent a fundamental shift in how Indians live, work, and connect with one another. However, this journey is not without its challenges. As we explore the impact of technology on social development through the lens of Dr. B. R. Ambedkar's vision for an equitable society, we must consider both the progress made and the disparities that persist.

#### **Dr Ambedkar's vision and today's digital reality**

To understand the significance of technology in contemporary India, it is essential to reflect on Dr Ambedkar's core

principles and how they resonate with our digital age. Education was central to Dr Ambedkar's vision as a means of emancipation; today, digital literacy serves as a crucial tool for empowerment, enabling individuals to access information and opportunities that were previously out of reach. Dr Ambedkar proposed five foundational principles known as the 'Pancha Sutri', which continue to hold relevance today:

- **Education:** Babasaheb emphasized education as the key to empowerment and social mobility.
- **Agitation:** He advocated for peaceful protest and activism to demand rights and social justice.
- **Organization:** He stressed the importance of unity and collective action among marginalized communities.
- **Self-help:** He encouraged self-reliance and community-driven initiatives for upliftment.
- **Political power:** Dr Ambedkar saw political representation as crucial for safeguarding the rights of marginalized groups. If Dr Ambedkar were to reformulate his principles for today's technology-driven world, he might propose something like this:
- **Digital Literacy:** In our increasingly digital world, Dr Ambedkar would likely emphasize the importance of digital skills and access to technology as fundamental to education and empowerment. Example: He might advocate for initiatives like 'One Device Per Child' or free coding bootcamps in underprivileged areas.
- **Digital Activism:** Recognizing the power of social media and online platforms, Dr Ambedkar might encourage the use of digital tools for awareness-raising and mobilization. Example: He could promote hashtag campaigns, online petitions, and virtual rallies to amplify marginalized voices.
- **Virtual Organization:** Understanding the potential of online communities, Dr Ambedkar might stress the importance of building strong digital networks for support and collective action. Example: He might envision a nationwide app connecting Dalit communities for mutual aid, skill-sharing, and rapid response to incidents of discrimination.
- **Tech Entrepreneurship:** Dr Ambedkar would likely see technology as a great equalizer and encourage marginalized communities to become creators, not just consumers, of technology. Example: He might propose incubators and venture funds specifically



for Dalit and Adivasi tech startups.

- **Data-Driven Governance:** Recognizing the power of big data and AI, Dr Ambedkar might advocate for using these technologies to ensure fair representation and equitable policy-making. Example: He could push for AI-powered systems to detect and correct biases in public service delivery or law enforcement.

While methods may evolve with time, the core intentions behind Dr Ambedkar's principles remain relevant today. By reimagining his Pancha Sutri for the digital age, we can see how technology can be harnessed as a powerful tool for social justice.

### **Real Stories of Progress and Perseverance**

#### • **Digital education: breaking barriers**

The landscape of digital education has seen remarkable success stories. Take Santosh Lohar from West Bengal, who used NPTEL's free resources to learn computer science despite his family's financial struggles. His achievement in securing a position at Amazon has inspired

merely 15% have internet access; even among urban households, 42% lack connectivity. The pandemic further highlighted these disparities when 29% of students had no access to smartphones. Tragically, this lack of access contributed to the suicide of Kerala student Devika—a heartbreaking reminder of the consequences of the digital divide.

#### • **Digital financial inclusion: real progress amid gaps**

Digital financial inclusion has emerged as another area with significant progress yet persistent gaps. The BC Sakhi program employs 58,000 women as Banking Correspondents across India. Mainaz Begum from UP's Bahraich district serves over 500 villagers through her micro-ATM services, facilitating monthly transactions worth ₹1.5 crores. The Unified Payments Interface (UPI) has revolutionized digital payments in India, recording an impressive 7.82 billion transactions in December 2022 alone. Street vendors across more than 500 cities are adopting digital payment methods; Kamlesh, a vegetable vendor in Lucknow, reported a 30% increase in daily earnings after embracing UPI. Despite these advancements, barriers remain. Approximately 67% of India's rural population still relies primarily on cash transactions; additionally, 23% lack smartphones required for UPI usage. In Odisha's Koraput district, tribal hamlets remain entirely cash-dependent—illustrating the challenges faced by those without access to digital financial services.

#### • **Social justice in the digital age**

The quest for social justice continues in the digital realm as well. The #JusticeForRohith movement generated over 2.5 million tweets and spurred national policy discussions that resulted in increased scholarships for Dalit students—demonstrating the power of social media in advocating for change. Platforms like CGNet Swara have received over 500,000 reports regarding grievances related to tribal rights; more than 400 cases were resolved in Chhattisgarh alone through this initiative. Yet challenges persist in this arena too. Reports indicate that there were 8,379 cases of caste-based cyber harassment in 2020 alone; Dalit students often face organized trolling on gaming platforms—a clear indication that digital spaces can perpetuate old hierarchies if not addressed properly.

#### • **Digital democracy and representation**

Digital platforms have also enhanced political representation and civic engagement. The MyGov platform boasts over 20 million registered users facilitating citizen participation



countless underprivileged students to pursue education through online resources. Another notable initiative is the Internet Saathis program by Google and Tata Trusts, which trained over 83,000 women across 260,000 villages. Phoolwati from Rajasthan Alwar district became her village's first digital entrepreneur and now teaches over 500 women how to use smartphones for business. The government's DIKSHA platform also made significant strides during the pandemic, recording an astounding five billion learning minutes with over 35 million QR-coded textbooks distributed. Schools in Gujarat saw a remarkable 22% improvement in learning outcomes as a result. However, these successes are shadowed by challenges. According to NSSO data from 2017-18, only 4% of rural households have computers and

# Breaking Barriers Inclusivity And Diversity In Online Education



in policymaking processes—200,000 suggestions were received for the National Education Policy via this platform alone. Digital Gram Sabhas have been implemented in more than 100,000 villages across India and have significantly increased participation from marginalized communities; women’s participation rose by an impressive 45% during these digital meetings. However, issues such as Aadhaar authentication failures disproportionately affect rural populations; many are excluded from welfare schemes due to these barriers—highlighting the need for robust systems that ensure inclusivity rather than exclusion.

## Way forward: Bridging digital divides

To realize Dr Ambedkar’s vision within this rapidly evolving digital landscape requires concerted efforts across several fronts: Infrastructure development is crucial; initiatives like BharatNet aim for complete rural connectivity through high-speed internet while ensuring last-mile connectivity so that even the most remote areas are not left behind. Establishing community digital centres within every gram panchayat will enhance local access to technology and information. Inclusive design must be prioritized—government apps should incorporate mandatory accessibility features while providing multi-language support to ensure non-English speakers can benefit from digital services. Developing low-bandwidth versions of essential services will cater specifically to areas with limited internet connectivity. Strengthening cyber laws against discrimination will protect marginalized communities from online harassment while implementing digital literacy programs

in regional languages can empower local populations. Establishing support systems for first-generation digital users will help them navigate new technologies effectively.

**Conclusion:** Realizing Dr Ambedkar’s Vision in a digital age Dr Ambedkar said, “I measure the progress of a community by the degree of progress which women have achieved”. Today, we might add that we measure the success of our digital revolution not by its heights reached in our metros but by how it serves our most marginalized communities. The stories we have shared today—both triumphs and struggles—illustrate that technology can be either a great equalizer or a new barrier akin to education during Dr Ambedkar’s time; it is our collective responsibility to shape it toward equity and justice. As we stand at this digital crossroads, let us remember that every smartphone can be a tool of liberation; every internet connection can lead to knowledge; and every digital platform can amplify voices long silenced by systemic inequalities. However, this potential will only be realized if we intentionally design these technologies with Dr Ambedkar’s principles of equality and justice at their core. Looking ahead, our challenge is clear: ensuring that digital transformation does not replicate old hierarchies but instead becomes an instrument for dismantling them—as Dr Ambedkar envisioned education would be for social upliftment and empowerment. The technology is ready; now we must ask ourselves—are we prepared to harness it for true social transformation?

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# Slavery of caste system in jails stand rejected



Historically, colonial administrators used caste distinctions to manage and control prisoners without upsetting existing social hierarchies. Caste was employed as a basis for segregation within prisons, rationalized as a means to avoid communal conflicts, an argument that the Court explicitly rejected. The Court drew a parallel to the “separate but equal” doctrine.

Vijendra

The recent landmark ruling by the Supreme Court of India in *Sukanya Shantha v. Union of India and Others* highlights the persistent issue of caste-based discrimination within India’s prison system. This case, initiated by journalist Sukanya Shantha, has thrown light on how outdated practices still rooted in India’s caste system impact prisoners across the country. The judgment represents a significant move towards addressing these systemic inequalities, aligning with constitutional guarantees that uphold the

dignity and equality of every individual, including incarcerated persons.

In her article, “From Segregation to Labour, Manu’s Caste Law Governs the Indian Prison System,” Sukanya Shantha exposed deep-seated caste-based segregation and labour practices in Indian prisons. The article drew attention to discriminatory provisions embedded in various prison manuals across states, where prisoners were often allocated duties based on their caste. Shantha’s writ petition sought a directive for repealing or



amending these provisions to ensure that prisoners are not subject to discrimination.

### **Court's observations**

The bench, led by Chief Justice DY Chandrachud, along with Justices JB Pardiwala and Manoj Misra, examined several prison manuals, including the Uttar Pradesh Jail Manual (2022) and the Madhya Pradesh Jail Manual (1987). Although the Prison Act, 1984, was not directly challenged, it helped the Court contextualize how caste-based discrimination had been institutionalized through prison rules. The judgment held that the provisions in these manuals were unconstitutional, violating multiple articles of the Indian Constitution, particularly Articles 14, 15, 17, 21, and 23. These articles collectively protect against discrimination, safeguard personal liberty, prohibit untouchability, and ensure freedom from exploitation.

### **Directions issued by the court**

The Court's directions to reform discriminatory practices are far-reaching. All states and union territories have been mandated to revise their prison manuals within three months to eliminate caste-based provisions. The Union Government is also tasked with updating the Model Prison Manual (2016) and the Model Prisons and Correctional Services Act (2023) to ensure caste-based discrimination is systematically eliminated. The directive included specific measures, such as deleting the "caste" column from prisoners' registers and enforcing stricter police procedures to prevent arbitrary arrests of members from de-notified tribes, who are often unjustly labelled as habitual offenders. Furthermore, the Court mandated that the District Legal Services Authority (DLSA) and the Board of Visitors regularly inspect prisons to assess compliance and report on any ongoing caste-based discrimination.

### **Caste-based discrimination in prison manuals**

Historically, colonial administrators used caste distinctions to manage and control prisoners without upsetting existing social hierarchies. Caste was employed as a basis for segregation within prisons, rationalized as a means to avoid communal conflicts, an argument that the Court explicitly rejected. The Court drew a parallel to the "separate but equal" doctrine once prevalent in the United States, emphasizing that this approach has no place in Indian jurisprudence under the Constitution, which enshrines equality and justice for all. The judgment also highlighted the use of terms such as "menial" and "scavenger

class" in prison manuals, which perpetuate outdated stereotypes that some caste groups are inherently suited for certain types of labor. Such classifications, according to the Court, lack a rational basis and are incompatible with the Constitution's aims of promoting equality and eradicating untouchability.

### **Untouchability in prison manuals**

Article 17 of the Indian Constitution explicitly prohibits untouchability. However, references to "suitable caste" for cooking or "menial" jobs in prison manuals reveal that the practice persists in institutional settings. The Supreme Court's ruling condemned these provisions as fundamentally incompatible with constitutional values. By associating certain tasks with lower castes, the manuals reinforce caste hierarchies and deny prisoners the opportunity to be treated with equal respect and dignity.

The Court's ruling addressed a contrasting perspective from *C. Arul v. The Secretary to Government* (2014), where the Madras High Court had reasoned that separating inmates by caste could prevent communal clashes. The Supreme Court overruled this, asserting that it is the prison administration's duty to ensure order without endorsing discriminatory practices. This verdict underscores a shift from an accommodation-based approach to one that places constitutional rights and dignity at the forefront.

### **Discrimination against de-notified tribes**

De-notified tribes, historically stigmatized as "criminal tribes" by colonial rulers, continue to face social ostracism and institutional prejudice. Certain prison manuals, for instance, refer to individuals from wandering tribes as having a "natural tendency to escape," marking them as habitual offenders based on their tribal background alone. Rule 404 of the West Bengal Manual exemplifies this stereotype by barring certain tribal groups from roles within prisons due to perceived behavioral traits. The Supreme Court has directed both the central and state governments to amend their manuals to remove such prejudicial provisions.

Article 21 of the Indian Constitution





guarantees the right to life and personal liberty, a concept that encompasses individual growth and the right to develop one's personality. When caste discrimination is institutionalized, it infringes upon this right, especially within the confined spaces of a prison. For prisoners from marginalized backgrounds, discriminatory practices based on caste hinder personal reform, undermine human dignity, and limit social reintegration prospects. The Supreme Court's judgment held that caste-based discrimination in prison manuals contradicts to Article 21 as it denies marginalized prisoners an environment conducive to personal growth and rehabilitation.

#### **Comparative analysis with prior case law**

The Court's ruling also addressed a contrasting perspective from *C. Arul v. The Secretary to Government* (2014), where the Madras High Court had reasoned that separating inmates by caste could prevent communal clashes. The Supreme Court overruled this, asserting that it is the prison administration's duty to ensure order without endorsing discriminatory practices. This verdict underscores a shift from an accommodation-based approach to one that places constitutional rights and dignity at the forefront.

#### **Moving towards reform**

The judgment in *Sukanya Shantha v. Union*

of India & others signifies a critical step towards addressing caste-based inequities in institutional settings. By mandating prison reforms, the Court has emphasized the urgent need for changes that align prison manuals with the values enshrined in the Constitution. The judgment also reinforces the principle that any classification within the prison system must be based on objective factors such as work aptitude, psychological needs, or accommodation requirements, rather than outdated social hierarchies.

#### **Conclusion**

The Supreme Court's ruling in this case is a milestone in dismantling caste-based discrimination within India's prison system. It recognizes that caste-based discrimination not only violates fundamental rights but also hinders the personal development and dignity of individuals from marginalized communities. By directing a comprehensive overhaul of discriminatory provisions in prison manuals, the Court has reaffirmed the Constitution's commitment to equality, justice, and individual dignity for all, including those who are incarcerated. The decision calls upon society to reject regressive practices and move toward an inclusive and just legal framework, setting a significant precedent for eliminating caste biases from all aspects of the justice system.

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# Remembering Birsa Munda

On the occasion of the 150th birth anniversary of Birsa Munda, it is essential to reflect on his unparalleled contribution to India's freedom struggle and his lasting legacy in the fight against British colonial oppression. Born on 15th November 1875 in the village of Ulihatu, Jharkhand, Birsa Munda emerged as a revolutionary leader who not only led tribal communities in their struggle for land rights and social justice but also pioneered a cultural and religious renaissance among the indigenous people of Eastern and Central India. A visionary leader, he united various tribal groups against the exploitative British and feudal landlords, emphasizing the need for self-reliance, unity, and the protection of tribal identity. Through his movements, particularly the Ulgulan (the Great Rebellion of 1899-1900), Birsa challenged colonial rule and played a crucial role in reshaping the tribal consciousness of the region. Revered as "Dharti Aba" (Father of the Land), Birsa's leadership and his advocacy for the rights of the oppressed resonate even today. His legacy continues to inspire those committed to the cause of justice, equality, and empowerment of indigenous communities across India.

Prasanna

The revolutionary not only sowed seeds of nationalism in minds of tribes but also reinvented the ancient religion at a time when Indian leadership was looking hopefully at the British for political reforms and progress and decades before the emergence of Mahatma Gandhi and Bhagat Singh, the tribals in the region of Chota Nagpur Plateau spread across the modern states of Odisha, Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Telangana and Karnataka



were struggling for total independence and emancipation under the leadership of Bhagvan Birsa aka Birsa Munda.

Though celebrated little compared to other leaders and freedom fighters, Birsa Munda represents the grass-root leadership in the multi-coloured Indian nationalist struggle against British colonial rule. He was a multi-faceted nationalist revolutionary, who transformed the lives of his followers and inspired several movements. He was not only a tribal revolutionary, who fought against the British colonialists and oppressed Indian landlords, a social and religious reformer, a self-proclaimed prophet worshipped by his followers as Bhagavan and 'Dharti Aba' (Father of Land), but also the pioneer in Hinduisation and nationalisation of the tribal communities in Eastern and Central India.

**Birsa has made an astounding contribution to building modern India. He eradicated the feudal system that the British had announced in the tribal land and freed the tribal from the oppression by the local landlords. He sowed the seed of nationalism in the hearts of the tribes. He stressed on the need for tribesmen to know their rights, and culture and fight against the injustice done to them. He rationalised his community and made his people get rid of their superstitious beliefs, and customs like animal sacrifice and alcoholism.**

Birsa Munda was born on 15th November 1875 in the village of Ulihatu in the Khundi district of Jharkhand. His father Suguna Mundh and mother Kormi Munda drew their lineage from the Munda people, an Austroasiatic-speaking ethnic group. According to R. R. Prasad, Munda is a Sanskrit word that means headman. It is an honorific name given by Hindus and hence became a tribal name. Birsa Munda's elder brother was Komta Munda and his younger brother's name was Posna Munda. His two sisters' names were Daskir Munda and Champa Munda.

Birsa Munda's early childhood was spent

at Chhalkad village. As the folklores go, Birsa Munda spent his early days grazing sheep in the forest of Bohonda, playing the flute and *tuila*, a one-stringed instrument made from the pumpkin and wrestling in the *akhara* (the village wrestling ground) till the family's poverty forced his migration to Ayubhatu, his maternal uncle's village where he lived for two years.

Initially, he went to school at Salga, run by one Jaipal Nag. As he was sharp in studies, Jaipal Nag recommended he join the German Mission School. Since converting to Christianity was compulsory to join the school, Birsa converted to Christianity and was christened Birsa David, which later became Birsa Daud. He studied with the mission-run school at Chaibasa between 1886 and 1890.

It was a turbulent period as the Lutherans, Anglican and Catholic missions, which arrived under the patronage of foreign rulers, not only spread modern education but also carried out missionary activities attacking the tribal culture. Consequently, while education made the tribal peoples organized and rights conscious, the social division between Christians and non-Christians increased, and the sense of ethnic unity diminished. Therefore, Birsa Munda's father withdrew him from the school. Alarmed by the design of the missionaries, Birsa renounced Christianity and reverted to the original religion and tribal customs. He studied the principles of Hindu religion under a Vaishnav monk.

To prevent religious aggression against the tribal, Birsa proclaimed himself to be the messenger of God and started preaching. He founded a new monotheistic religion called 'Birsait'. People of Munda, Oraon and Kharia clans turned to him in large numbers and started referring to him as a healer and a miracle worker. They called him 'Dharti Aba' (Father of the Land). Thus, the conflict with the Christian missionaries began. The feudal British colonial rule had started occupying various forests and lands for expansion. The oppressive local landlords too started encroaching on the forests. They enacted the Forest Act of 1894 prohibiting the free access of tribes to the forests. This stripped the tribe of their motherland. To oppose this, Birsa launched a campaign and raised the heroic force of tribal communities to protect their rights. Armed with bows and arrows, the tribal fought with the British Forces. This led to the arrest of Birsa with his supporters in 1895 and the movement came to a temporary halt. After his release on 30th November 1897, Birsa revived the movement to re-establish the Munda Kingdom and the Munda rebellion raged





under his leadership in the southern region of Ranchi from 1899 to 1900. This rebellion is known as 'Ulgulan', which means strong rebellion in the Mundari language. Using guerrilla tactics, the tribal attacked places loyal to the British. Their slogan was Abua raj seter Jana, Maharani Raj Kundu Jana ("Let the kingdom of the queen be ended and our kingdom is established.")

On 5th January 1900, Birsa's followers killed a constable at Ethedin. On 7th January, they attacked Khunti police station killing a constable and razing the houses of local shopkeepers. This prompted the British administration to set a reward of Rs 500 for Birsa Munda. This lured some tribesmen to betray Birsa. The British force attacked Munda guerrillas at Dombari Hill, indiscriminately firing on and killing hundreds of people. Birsa escaped to the hills of Singhbhum. He was arrested at Jamkopai forest in Chakradharpur on 30th March 1900.

Subsequently, the trial against 460 tribal defendants in 15 different criminal cases started and 63 were convicted. One was sentenced to death, 39 to transportation for life and 23 were imprisoned for terms up to 14 years. Six tribesmen including Birsa died in jail. Birsa was just 25 years old when he died on 9th June 1900. Birsa's death remains shrouded in mystery. While many historians believe that Birsa Munda died of food poisoning, the jail report said Birsa died due to blood poisoning and diarrhoea. Moreover, the British government hastily cremated Birsa although the practice of burying dead bodies was prevalent among the tribal communities. Though this revolt did not establish the Munda kingdom, the practice of forced labour by the tribal communities ceased. The British were forced to introduce new legislation – the Chota Nagpur Tenancy Act – that guaranteed the protection of the Munda's land rights.

Birsa has made an astounding contribution

to building modern India. He eradicated the feudal system that the British had announced in the tribal land and freed the tribal from the oppression by the local landlords. He sowed the seed of nationalism in the hearts of the tribes. He stressed on the need for tribesmen to know their rights, and culture and fight against the injustice done to them. He rationalised his community and made his people get rid of their superstitious beliefs, and customs like animal sacrifice and alcoholism. He urged people to let go of beliefs in witchcraft and focus on the importance of prayer, holding faith in God and observing morality. Birsa Munda envisaged an ideal society where there was no violence against women. Consequently, women too participated in his campaign. Moreover, it encouraged women to participate in the subsequent Tana Bhagat Movement, which saw the emergence of two women leaders - Linda Oraon and Maya Oraon.

Though Birsa was not appreciated much outside the tribal belt for decades, his disciples retained his memory and recorded events connected with his life and works. A Munderi folk song celebrated Birsa's leadership as follows:

For your fellowmen, Birsa,  
You stood up, Birsa;  
For your motherland, Birsa,  
You died.

On the milk-like field, Birsa,  
You fell, Birsa;  
On the curd-like ground, Birsa,  
You toppled.

The twenty-cubit turban of yours Birsa,  
Became all bloody, Birsa;

The earth coloured gamcha of yours, Birsa,  
Became all stained (Zide and Munda 1969:

54-55).

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# Law needs to be supported by moral conduct

A highly educated public health professional's experience was featured in the July 2022 issue of Unheard Voices. Born in a small town like Bhusawal in Maharashtra, this young public health professional works in an African country. His Father was a class IV worker. All four brothers are educated. Also, they have studied at foreign universities. Their entire family is influenced by Ambedkar's philosophy and Ambedkar's pride. All four brothers have the same compassion. They all work in the private sector. The youth's experience was tarnished by the rejection existing in the caste system. They were urged to buy a small piece of land (paying the asking price) in their native place. They wanted to purchase land to strengthen the ties with the soil where they came from. But they were politely told that no one would deal with them because they belonged to Scheduled Castes.

This is the reality of the caste system! "We don't believe in caste... Nothing like caste exists here - it may be in the village, but nothing like that happens in our city" From here to "Though we belong to a lower caste, so-and-so is our friend from a higher caste... he comes to our



house - we go to his house..." Up to this level of inferiority is seen among those born in the so-called lower & upper castes at the village-city-district-metropolitan level.

There was an incident around 2008. I was studying Journalism at Pune University then. I was associated with a largely circulated newspaper group. Once the discussion with the seniors started with easy talking. The topic was caste reality. The senior boss belongs to the upper caste. He does not have casteism in his mind, but he certainly had caste self-respect. He said - "Everyone criticizes Brahmins. But they were the first to realize the changing world. Realizing that the opportunities in India would diminish, they all moved to Silicon Valley. They settled there. Now the non-Brahmins also reached there. But the reality is that even after going there, their superiors are Brahmins". The discussion continued. He says - "Begging is the worst time in one's life. But our community has refined the

concept of begging by giving it a honeyed look". Native pride is not bad, but its appearance is the beginning of future indirect exploitation. This is what happened in America.

I have many friends in America. They are from all castes— more of the so-called elite. Two decades ago, they went there. They settled there. Along with them, they carried their culture, vows, and rituals while going. A large section of Dalits also reached there. They also brought with them their festivals. There are mainly two major festivals. First, Dr. Babasaheb Ambedkar's birth anniversary and second birth anniversary of Sant Ravidas. This is a sign of change in Dalit consciousness and inspiration. The birth anniversaries of Sant Ravidas and Dr. Ambedkar is celebrated in big Squares of America. On the sarcasm of the taunt "It reached here too!" and "It's good that there is no reservation in America". - this statement is dominantly followed up with. A large section of the inclusive Hindu society does not accept the distinction of celebrating Dr. Ambedkar, Sant Ravidas, and Buddha Jayanti.

Dalit expressions are ridiculed on social media, and spread lies that these people stand against casteism in America and defame India; there is an unprecedented falsehood in spreading this narrative. As Dr. Babasaheb Ambedkar used to say, the opposition is not to any one group but to the oppressive customs here. Those who believe in those customs and those who are comfortable with its economics will be opposed. But Ambedkar waited for reforms. It was announced at Yeola in 1935, and in 1956, Dr. Ambedkar accepted Buddha Dhamma with millions of followers. Who understood Dr. Ambedkar in these 21 years? Who was controlling the society at that time? Why has there not been a process of respectfully understanding Dr. Ambedkar by caring for the underprivileged community? The laws came because the caste system would not disappear from the mind. In a country like India, there is a rule of not littering in public places. A fine is levied. So, have people stopped splitting on the streets? Even after 70 years of independence, why does the most popular Prime Minister Narendra Modi, have to take a broom in his hand and appeal to the citizens to keep this country clean in the first year of power? This is because the framework of law has to be strengthened by moral conduct.

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## 101 convicted in Marakumbi atrocity case, 98 Sentenced to life

The Principal District and Sessions Court in Koppal has convicted 101 individuals for atrocities committed against members of the Scheduled Castes in Marakumbi village, Karnataka, in a case dating back to 2014. Judge C. Chandra Shekhar sentenced 98 of the convicted to life imprisonment, with a fine of ₹5,000 each, under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The remaining three, being Scheduled Caste or Tribe members themselves, received five-year sentences and fines of Rs 2,000 each.

This landmark verdict highlights the persistent caste-based vulnerabilities in rural India. The case began when Dalit community members were denied access to salons and hotels, escalating to violence over cinema tickets in Gangavati taluk. Attacks included beatings and arson, with houses in the Dalit colony set ablaze.

Of 117 initially accused, 101 were found guilty, with evidence presented by 38 out of 47 prosecution witnesses. The judge's detailed judgment underscored the severity of the violence and stressed that leniency would undermine justice for the victims, who endured serious injuries and assaults on their dignity.

## SC Tag for Dalit converts panel extended by One Year

The panel examining the eligibility of Dalit converts to religions outside Hinduism, Sikhism, and Buddhism for Scheduled Caste status has received a one-year extension, moving its deadline to October 10, 2025. Led by former Chief Justice of India, Justice K.G. Balakrishnan, the commission requested more time to complete its report and recommendations, as stated in a recent Ministry of Social Justice notification.

Formed in 2022, the commission has conducted field visits and public hearings in several states, with plans to extend consultations further. The panel is tasked with assessing the socio-economic conditions of Dalit converts and weighing the possibility of extending SC status to Dalit Christians and Muslims, an issue pending in the Supreme Court for two decades. The Centre has argued against SC status for Dalit Muslims and Christians, citing the "foreign origins" of these religions.



## AP to implement SC sub-caste categorisation: CM Naidu

Andhra Pradesh Chief Minister N. Chandrababu Naidu has announced that the state will implement Scheduled Caste (SC) categorisation by assessing each district based on the population of SC sub-castes within it. In a meeting with SC MLAs, Naidu confirmed the move aligns with the TDP's election manifesto and Supreme Court rulings on categorisation.

Naidu emphasized that district-level categorisation ensures equal opportunities for all SC sub-castes, as some are regionally concentrated. He highlighted TDP's long standing support for Dalits, including earlier initiatives like the Justice Punnaiah Commission and the "Chandranna Baata" for infrastructure in Dalit areas. Plans for the holistic development of Dalit communities are being developed, with a focus on women's dignity, education, and essential infrastructure. The two-day conference continues through November 8, with discussions focusing on Ambedkarite values and literary contributions.

## Fourth Ambedkarite World Literature Conference Kicks Off in Dubai

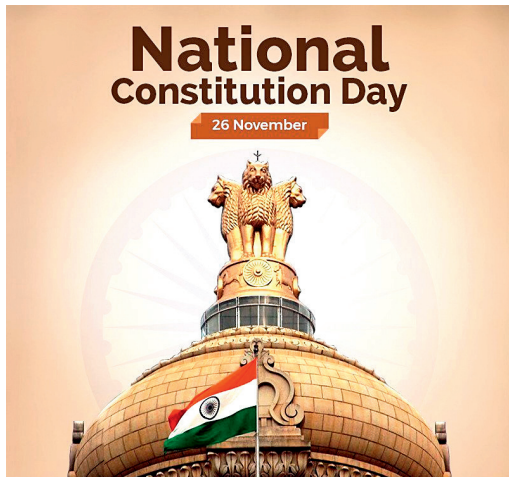
The 4th Ambedkarite World Literary Conference began in Dubai on November 7, featuring renowned writer and former conference president Shripal Sabnis as the inaugural speaker. Organized by Vishwa Ambedkarite Sahitya Mahamandal, Chhatrapati Sambhajnagar, and Deepstambh Cultural Association, Sangli, the event celebrates Ambedkarite literature on a global stage.

Dr. Sabnis, who has authored 76 books and written prefaces for over 450 works by Maharashtra-based writers, expressed pride in advancing the message of global brotherhood through literature.

The two-day conference continues through November 8, with discussions focusing on Ambedkarite values and literary contributions.

*Compiled by Prajvalant.  
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# DIN VISHESH



## Constitution Day

**26-November**  
Constitution Day of India

Constitution Day, observed on November 26th in India, commemorates the adoption of the Indian Constitution in 1949. This day is significant not only for its historical importance but also for highlighting the power of marginalized communities, especially in the context of the Indian Constitution.

The Constitution, a transformative document for India, aimed at establishing a just society where all individuals, regardless of their caste, gender, religion, or social status, could enjoy equality and freedom. Its framers, including Dr. B.R. Ambedkar, recognized the deep-seated social inequalities that existed in India, and they crafted the Constitution to address these issues.

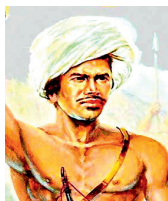
The Constitution ensures that marginalized groups are represented in legislatures and political institutions. The provision for reservation of seats in Parliament, state legislatures, and local bodies for SCs, STs, and OBCs has ensured that these communities have a voice in the decision-making processes of the country.

One of the most significant constitutional provisions is the abolition of untouchability (Article 17), which directly addresses the discrimination faced by Dalits. This provision was a major step towards social equality and the removal of caste-based discrimination.

Constitution Day on November 26th is a reminder of the transformative power of the Indian Constitution in providing a framework for justice, equality, and empowerment. It stands as a beacon of hope for marginalized communities, affirming their rights and recognizing their dignity.



**14th November**  
Lahuji Salve  
Birth Anniversary



**15th November**  
Birsa Munda  
Birth Anniversary



**28th November**  
Sant Dyaneshwar  
Birth Anniversary



**28th November**  
Mahatma Phule  
Death Anniversary



**6th December**  
Dr. Ambedkar  
Mahaparinirvan



**11th December**  
Subramania Bharati  
Birth Anniversary

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