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LAW VS REALITY: WHY CASTE DISCRIMINATION PERSISTS DESPITE LEGAL PROTECTION IN INDIA

AUTHORED BY - AMAN

ABSTRACT

The Indian Constitution rests on the pillars of equality, dignity and social justice, with specific provisions to eradicate caste discrimination. Yet, caste remains a potent force shaping social, economic and political relations. This disconnect between constitutional promises and social practices brings into question the role of law in combating structural injustice.

This article explores the disconnect between law and society in relation to caste discrimination in India. It explores constitutional provisions, laws and court decisions aimed at eliminating caste discrimination, such as significant statutes like the Protection of Civil Rights Act, 1955¹ and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989². It also assesses the impact of key judicial pronouncements that have broadened the parameters of equality and dignity in the Indian constitutional law.

But the paper suggests that legal changes are not enough to tackle entrenched social practices. Institutional, socio-economic and cultural factors such as weak enforcement, institutional inefficiency, socio-economic inequality and cultural practices continue to perpetuate caste discrimination. Continued social segregation, occupational discrimination and caste-based crimes reflect the inadequacy of a legal solution.

The paper argues that a multi-pronged approach is needed to achieve substantive equality. Enforcement, institutional responsiveness, social consciousness and systemic change are crucial in closing the gap between the law and practice in India's quest for equality.

Law vs Reality: Why Caste Discrimination Persists Despite Legal Protection in India

Equality, dignity and social justice are the guiding principles of India's constitution. Crafted in the aftermath of a rigid and hierarchical society that was riven by caste and exclusionary practices, the Constitution is not simply a legal framework but a vehicle for change.³ It aimed

¹ Protection of Civil Rights Act, 1955.

² Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

³ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1966).

to break down existing inequalities and create a society where all individuals, irrespective of their caste or social status, have equal opportunities and rights. The guarantees of equality before the law, prohibition of discrimination and abolition of untouchability are clear attempts to rectify historical wrongs and transform the social structure.

Yet, despite this forward-looking framework, caste remains a significant aspect of Indian society. Although visible manifestations of discrimination might have become less visible, the structures of caste hierarchy remain both implicit and explicit. Caste continues to play a crucial role in accessing education, jobs, housing and social mobility. Social segregation, occupational segregation and caste violence suggest that the promise of equality enshrined in the constitution has not been fully realised.

This gap between law and practice is the focus of this paper. It prompts the question: why does caste discrimination persist when there exists a plethora of laws that seek to eradicate it? This question is not due to a lack of legal provisions, but rather their effective implementation and the persistence of social practices. Legislative provisions, even when progressive, are part of a socio-cultural environment that can be hostile to their application.

India's legal framework has tried to tackle caste discrimination through constitutional guarantees, laws and judicial pronouncements. Legislation like the Protection of Civil Rights Act, 1955⁴ and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989⁵ seek to turn constitutional provisions into rights. In addition, the judiciary has played an important role in broadening the meaning of equality and dignity, recognising the need to go beyond formal equality in a structurally disadvantaged society. In a series of cases, the courts have moved to a more substantive conception of equality, which stresses the need to tackle structural disadvantage rather than merely outlawing discrimination in the abstract.

Yet, the impact of these legal strategies is limited. The issue of enforcement is a major problem. Cases are often under-reported, investigation and trial processes are delayed, there is a lack of institutional accountability and social pressure, which all contribute to the failure to access justice. Additionally, caste is not just a legal but also a social and cultural construct and is perpetuated through social practices and norms. Economic, social and political dependency and power dynamics continue to perpetuate caste-based discrimination.

The other important aspect is the disconnect between jurisprudence and reality. Although judges have embraced progressive notions of equality and dignity, they rely on administrative

⁴ Protection of Civil Rights Act, 1955.

⁵ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

processes and social acceptance. This leads to a situation where law progresses while society stagnates or in other words, a "law-reality gap". Equality is proclaimed in law but not in practice.

This paper takes a socio-legal perspective to study this phenomenon. It examines the constitutional guarantees, legislative and judicial initiatives against caste discrimination, as well as the social contexts in which they operate. By stepping beyond a doctrinal understanding, the research aims to grasp the relationship between law and society and the need to complement law reform with social transformation to achieve substantive equality.

The study concludes that the persistence of caste discrimination in India is not a problem with the law, but with society. To bring law and life together, a holistic strategy that combines legal and social strategies is needed. It is only by tackling both the legal and extra-legal aspects of discrimination that the promise of equality under the Constitution can be achieved.

CONSTITUTIONAL FRAMEWORK FOR EQUALITY

The Indian Constitution is a conscious transformative response to the caste reality. It is not simply a formal legal framework but one that aims to actively address existing hierarchies and create substantive equality. Constitutional equality provisions must thus be seen not just as individual rights but as mechanisms aimed at redressing social injustices, and facilitating social change.

Central to this system is the equality before law and equal protection of law. This ensures that everyone is equally bound by the law and is subject to equal state action. But the Indian conception of equality transcends formal equality. The Constitution acknowledges that in a society with entrenched inequalities, treating everyone the same may not address these inequalities. Consequently, substantive equality has become an important feature of Indian constitutional law.

The principle is complemented by the ban on discrimination on certain grounds, like caste. The Constitution prohibits discrimination in matters of access to public places, employment and opportunities, and thus tries to address the social exclusion that historically affected marginalised communities. Crucially, it also allows the state to take steps to advance socially and educationally backward classes, untouchables and tribes. This marks a departure from a negative (no discrimination) to a positive obligation (positive discrimination) to recognise that equality cannot be realised without some degree of positive discrimination to redress historical injustices.

The abolition of untouchability is an important landmark in this respect. This is the only prohibition in the Constitution that is absolute, in the sense that it not only outlaws a certain practice but also obligates the state to eradicate it in whatever form it exists. Untouchability, as an aspect of caste discrimination, is undoubtedly one of the grossest denials of human dignity. Its outlawry reflects the constitutional determination to eradicate the roots of caste discrimination.

The court has been instrumental in furthering these constitutional values. *Indra Sawhney v. Union of India*⁶ is a landmark case on the nature and justification of affirmative action. This case concerned reservation for Other Backward Classes, and involved questions of equality. Equality, the Court ruled, does not mean the same treatment but rather demands recognition of inequalities. It emphasised that positive discrimination is not an aberration but part of equality. However, it also imposed constraints like the notion of a "creamy layer" and a general cap on reservations, in an effort to balance concerns for social justice and administrative efficiency. Another key judicial ruling can be found in *State of Karnataka v. Appa Balu Ingale*⁷ where the Supreme Court addressed the problem of untouchability. This was a case of exclusion from a public well by members of the Scheduled Caste. The Court unambiguously concluded that the denial of access to a public water source was a violation of constitutional rights and reiterated the absolute prohibition of untouchability. Crucially, the Court recognised that while laws are in place, social practices don't necessarily disappear. This emphasises the limits of the law in the face of a social custom.

The judiciary has also gradually aligned equality with the notion of human dignity. This shift from a formal notion of equality to a substantive one that includes recognition of individual identity and dignity underscores a broadening of the concept of equality. This inclusion of dignity in equality law has allowed the courts to respond to not only overt forms of discrimination but also those that have an adverse impact on social and psychological well-being.

Despite this progress, the constitutional framework is not without its issues. One such challenge is the disconnect between normative and practical realities. Although the Constitution offers robust support for equality, it is reliant on effective institutions for enforcement. Often, marginalised groups struggle to access legal rights due to awareness, economic and social pressures.

⁶ *Indra Sawhney v. Union of India*, (1992) Supp (3) SCC 217.

⁷ *State of Karnataka v. Appa Balu Ingale*, (1995) Supp (4) SCC 469.

Moreover, the co-existence of legal equality and social hierarchy poses a challenge. While the Constitution affirms equality, social practices persist in creating hierarchy and exclusion. This is especially the case with respect to the continued existence of caste-based practices, which function through informal channels, outside the purview of the law.

Therefore, India's constitutional framework for equality is transformative and limited. It reflects a vision of social change that aims to address past injustice and ensure social justice. Yet, its effectiveness is limited by structural and social factors that limit its implementation. Recognising this ambivalence is key to understanding the persistence of caste discrimination in the face of a robust legal framework.

The analysis of constitutional provisions suggests that it is not the design of the law but its implementation that is problematic. The legal system offers means for equality, but these means are dependent on the socio-legal context. This understanding provides the basis for an analysis of lawmaking and its effectiveness in tackling the problem of caste discrimination in India.

LEGISLATIVE FRAMEWORK ADDRESSING CASTE DISCRIMINATION

Although the Constitution provides the normative framework for equality, its implementation relies on laws that convert the norms into legal rights. In relation to caste discrimination, legislation is vital in translating constitutional principles and tackling both overt and systemic discrimination. Over the years, the Indian Parliament has passed various laws to eradicate untouchability, prohibit atrocities based on caste and foster social justice.

The Protection of Civil Rights Act (PCRA), 1955, is one of the first and most important laws. Designed to implement the constitutional prohibition on untouchability, the Act outlaws the refusal of admission into public places, the refusal of services and the refusal of access to common resources on the grounds of caste. This includes a broad range of caste discrimination, such as barring entry into temples, denial of service in shops and public places and refusal to allow access to public water sources and other public amenities.

While the Protection of Civil Rights Act is well-meaning, it is not very effective. A key criticism is that it only covers direct forms of discrimination and does not effectively capture more indirect forms of caste discrimination. Moreover, the relatively weak sanctions under the Act are not seen as having much deterrent effect. This is compounded by the issue of under-reporting, social stigma and ineffective enforcement of the law, which makes it an ineffective tool.

Acknowledging these shortcomings, Parliament passed a more comprehensive law through the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The new Act constitutes a major departure from merely outlawing discriminatory practices to addressing caste violence and oppression. The Act recognises that caste discrimination is not simply about social exclusion but often involves violence, humiliation and economic exploitation.

The Atrocities Act outlines numerous crimes, such as assault, sexual abuse, forced labour and acts aimed at humiliating and degrading members of Scheduled Castes and Scheduled Tribes. It also prohibits acts like compelling people to work in demeaning labour, taking away their land and denying them economic opportunities. Through this criminalisation, the law aims to tackle the structural aspects of caste discrimination.

A key aspect of the Act is its focus on prevention and protection. It calls for the creation of special courts to provide for timely justice and requires special public prosecutors. The Act also provides for the victim's rehabilitation, acknowledging justice not only means punishment of the offender, but also the rehabilitation of the victim of violence and discrimination.

The Act has been amended to enhance its provisions over the years. These have included broadening the scope of offences, provisions to protect against witness intimidation and the accountability of public officials in the implementation of the Act. These changes highlight efforts to enhance enforcement and strengthen the law.

But while these reforms are encouraging, there are still many obstacles. A major concern is the disparity between law on paper and practice. Instances of caste-based violence still occur, implying that the law's prohibitive effect is not sufficient to prevent such behaviour. Slow investigation, low conviction rates and a failure of institutions to take responsibility for the crimes weaken the legitimacy of the legal system.

Another crucial factor is underreporting by victims. The fear of social stigma, retaliation and economic vulnerability often keeps victims away from the courtrooms. Even if reported, victims can be pressured to drop charges or resolve the matter outside the court. This underscores the need to complement legal frameworks with a focus on changing social norms. There has also been speculation about the misuse of the Atrocities Act. Although some have considered false allegations to be a threat to the legitimacy of the Act, the courts have repeatedly stressed that this should not lead to weakened protections for vulnerable communities. Misuse does not rule out the need for robust protective laws in a society where caste-based violence continues to exist.

Beyond these foundational laws, other laws and policies seek to combat other forms of caste-based discrimination. Affirmative action in education and employment aims to enhance

opportunities for historically marginalised groups. Legislation on bonded labor and manual scavenging also seeks to eliminate the economic aspects of caste discrimination. But the efficacy of these policies can be limited by problems of implementation, resourcing and capacity.

India's legal framework to counter caste discrimination thus has both aspects. On one hand, it reveals a commitment to give effect to constitutional values. On the other hand, it is compromised by institutional factors that limit its efficacy.

This points to the key point of this paper: the continued practice of caste discrimination is not exclusively the result of the absence of legal provisions. It is a result of the interplay between law, society and institutions. This is crucial for assessing the role of the judiciary and other socio-legal factors in determining the success of India's anti-discrimination legislation.

JUDICIAL APPROACH TO CASTE DISCRIMINATION

India's judiciary plays a pivotal role in the constitutional framework, especially with regard to the enforcement and interpretation of equality and anti-discrimination norms. In addressing caste discrimination, the courts have not only functioned as adjudicators but have also taken on a transformative role, seeking to reconcile constitutional principles and social practices. By adopting a broad interpretation of fundamental rights, the judiciary has played a role in shaping equality jurisprudence. But the impact of judicial action is limited by structural and institutional factors.

A prominent aspect of judicial responses to caste discrimination is the evolution from formal to substantive equality. Traditionally, equality has been interpreted as treating individuals equally if they are similarly placed. However, courts eventually realised that this was not enough to address inequality in a society with a history of injustice. This resulted in a more sophisticated conception of equality that allows for differential treatment to redress inequalities. Court cases have therefore been pivotal in the implementation of affirmative action and widening the ambit of constitutional rights.

In *Safai Karamchari Andolan v. Union of India*⁸, the Supreme Court considered the ongoing practice of manual scavenging, which is outlawed. This case brought to the fore the continued practice of caste-based occupational segregation, in which people from marginalised communities are forced to undertake menial and hazardous work. It found this practice to be in violation of the right to dignity under the Constitution and asked the state to take effective

⁸ Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224.

measures to end it and rehabilitate those affected. This case is important both in recognising dignity as a constitutional value and in seeking to redress the socio-economic aspects of caste discrimination.

The case, at the same time, highlights the limits of the judicial process. Despite the Court's directives, manual scavenging continues to exist. This is part of a broader trend where judicial decisions express progressive sentiments but are difficult to implement. While courts can issue orders and lay down principles, the success of their efforts depends on the ability and readiness of the executive to implement them.

This disconnect between judicial pronouncements and their impact can also be seen in *State of Karnataka v. Appa Balu Ingale*, which concerned the exclusion from a public well on the basis of caste. The Court reiterated the absolute outlawing of untouchability and that caste-based exclusion is unconstitutional. Notably, the Court recognized that social prohibition is not adequate to eliminate long-standing social behaviors. This acknowledgment highlights the natural constraint of law to change deeply entrenched cultural norms.

The judicial intervention has spread as well to larger questions of identity and dignity. In a case, *Navtej Singh Johar v. Union of India*⁹, the main issue was sexual orientation but the Court expressed the strong vision of constitutional morality and human dignity. It believed that fundamental rights cannot be conditional upon social acceptance and that the Constitution safeguards the right of people to determine their identity. Even though the case does not refer directly to the issue of caste discrimination, its principles have far-reaching consequences on the equality jurisprudence. The ruling offers a model on how to oppose any type of identity-based discrimination, such as caste.

The attitude of the judiciary toward caste discrimination, therefore, represents a devotion to transformational constitutionalism. Courts have long stressed that the Constitution is not a mere legal document but a means of social change. It is this view that has helped the judiciary to broaden the scope of rights and to deal with matters that are beyond the traditional limits of law. To give an example, the incorporation of dignity into the equality jurisprudence has enabled the courts to appreciate the larger effects of discrimination on the lives of individuals. Concurrently, the court route is characterized by lack of consistency and restriction. Whereas some of the judgments have a bold and transformative approach, others are more cautious and incremental. This difference can be explained by a number of factors, such as the character of the problems under consideration, the institutional limits of the judicial system and the socio-

⁹ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

political background.

Among the major constraints of judicial intervention, the reliance on the executive to carry out the judicial intervention stands out as the most significant limitation of judicial intervention. Courts are able to give instructions and make pronouncements but they do not have an institutional ability to enforce them. This brings a disconnect between judicial pronouncements and realities on the ground. In the case of a marginalized group, this disparity can often result in the delayed or denied access to justice.

The other weakness is the access to justice. Financial limitations, ignorance and social pressures often hinder access to legal remedies by people most affected by caste discrimination. Although people may visit the courts, the legal process is often lengthy and cumbersome, which further discourages an efficient use of legal mechanisms. This institutional obstacle minimizes the effective effect of court intervention.

Furthermore, the adversarial character of the legal system may not necessarily be appropriate to deal with systemic discrimination. Litigation puts emphasis on the individual cases and caste discrimination is an element of structural phenomenon that applies to whole communities. Consequently, court rulings, though critical, might not be as comprehensive in reflecting the bigger picture of inequality.

The dependence of the judiciary on adjudication on a case-by-case basis also leads to inconsistency in the outcomes. Although some decisions create progressive principles; they can be applied differently depending on the facts of each case. This inconsistency may bring about confusion and restrict the formulation of a consistent legal system of tackling caste discrimination.

With these obstacles, the judiciary role is key. It is a platform of expressing constitutional values and to hold the state to account. Court rulings tend to establish normative values that affect the popular discourse and policy. Although the implementation of such decisions cannot immediately be implemented, they add to the gradual change of social and legal norms.

Such a judicial approach to caste discrimination thus represents a potential and a limitation. It shows how law is able to address established inequalities and extend the boundaries of rights. Simultaneously, it points to the limitation of the role of judicial mechanisms in attaining social change.

This discussion supports the main theme of this paper that the reason why caste discrimination is still present is not because of the lack of legalization of such discrimination but because of the disparity between the theoretical concepts of equality and discrimination and the actual situation on the ground. The judiciary has been critical in the formulation of the equality

jurisprudence, however, the effect is mediated by the larger structural and societal factors.

In order to fully comprehend this gap, one must go beyond legal analysis and examine the socio-legal realities that these laws are put to work in. The next part is thus concerned with how caste stigma is perpetuated in everyday life and the conditions that support it in spite of the fact that an elaborate system of legal regulations is created.

SOCIO-LEGAL REALITY: THE PERSISTENCE OF CASTE DISCRIMINATION

The issue of caste discrimination in India being persistent in spite of the comprehensive constitutional and legislative framework can be viewed as a critical socio-legal paradox. Although the law formally underpins a society where all are equal and no one is excluded due to caste, social practices still reproduce a society of equality and exclusion based on caste. This gap between the legal norms and the lived reality brings to the fore the weakness of a completely legalistic approach to the problem of deeply rooted social structures.

Caste in India is not just a legal category but an institution of social relationships, opportunities and access to resources.¹⁰ It works in explicit and implicit ways of exclusion, which consequently renders it difficult to tackle it through legal means. Caste-based segregation is still present in many parts of the country, especially in the rural areas and forms the basis of social life. Separate housing, limited access to shared resources and exclusion to religious and social spaces are all common. These practices tend to be normalized and internalized and they operate without necessarily having to be enforced.

Another obvious instance of how caste identity is being perpetuated is through marriage practices. Endogamy is the norm, where the caste lines are strengthened across generations. Although inter-caste marriages are legally acceptable, they often face social opposition and in some cases, violence. This shows that caste is closely interwoven with the concept of identity, honor, as well as community and is beyond the scope of a formal legal ban.

Caste inequality is further entrenched by economic marginalization. Communities that are historically disadvantaged may have substantial obstacles in the way of accessing quality education, stable employment and financial resources. Facts of occupational segregation continue to exist with some communities disproportionately involved in the low-paying, hazardous and socially stigmatized forms of work. The apparent inability to stop certain practices, like manual scavenging, despite legal prohibition, is evidence of the structural nature

¹⁰ B.R. Ambedkar, *Annihilation of Caste* (1936).

of caste-based economic inequality. This is an economic aspect which is strictly connected with the problem of access to justice. People belonging to the marginalized groups do not have the resources, recognition, and institutional backing to seek legal solutions. Legal procedures are expensive, time-consuming, and intimidating, especially to individuals who are already socially and economically disadvantaged. This has seen most of the cases of caste discrimination remaining unreported with those that are reported not necessarily resulting in effective results.

Caste-based violence can be considered to be one of the most terrible examples of such a socio-legal gap. Physical assault, social boycott and humiliation are still being reported which shows the reality of the highly entrenched prejudices. This kind of violence is not just an outcome of individual acts but more frequently is considered a part of larger social power structures. Dominating caste groups can employ violence as a tool of control and as a tool of oppression to social mobility within marginalized groups.

Cultural norms and social conditioning also perpetuate caste discrimination. Exclusionary practices can be legitimized by tradition, religion, or social order concepts. These ideologies are passed on to the new generations and caste as a self-affirming system. Laws that are prohibitive though essential are usually not enough to break these strongly held attitudes.

Institutional aspects also add to the disjunction between law and reality. The effectiveness of the legal provisions is affected by poor enforcement of laws, delays to the judicial process, and lack of accountability among the authorities. In other instances, the law enforcement agencies themselves can be shaped by the prejudice of the caste that influences the investigation and prosecution of crimes. This destroys the confidence of the legal system and it will not compel the victims to seek justice.

The other dimension of great significance is the interplay of caste with other types of identities, including gender and religion. Persons that identify with two or more marginalized groups tend to experience compounded discrimination. An example of this is that women in lower castes can face both gender oppression and caste oppression, which creates a unique set of challenges that cannot be effectively addressed through the current legal frameworks. This shows how a more intersectional approach to comprehending and responding to discrimination needs to be developed.

Political and social structures play a role that cannot be neglected in this situation. Though occasionally empowering the disadvantaged groups, identity-based politics can also contribute to the division and hamper the integration process. The mobilization of politics around caste identities can reinforce existing hierarchies instead of ending them, and thus complicate the

process of attaining substantive equality.

The very fact that caste discrimination still exists can be seen as the result of a complicated interplay between laws and social realities. Although the law gives a platform to establish equality, cultural traditions, economic systems, and institutional abilities mediate its effectiveness. This dynamic results in a scenario where legal changes co-occur with social stability, chaining the remaking capacity of the law.

The socio-legal discussion indicates that caste discrimination is not merely a question of individual prejudice but a structural issue, the one that is embedded into the fabric of society. It must be dealt with more than simply by legal prohibition; it needs to be dealt with by means of structural transformation. The promotion of equality should thus not be limited to the legal field but should extend to social reform, economic empowerment and cultural change.

This knowledge is necessary to consider the drawbacks of the current legal system. The fact that caste discrimination persists does not mean that constitutional principles have failed to be realized but only signifies a gap in their realization. The key is filling this gap and this can be achieved through a holistic strategy, which incorporates legal, social and institutional strategies.

This argument about socio-legal realities therefore supports the main thesis of this paper that the presence of legal protection in itself is not enough to eliminate caste-based inequality. The difficulty is shifting legal norms into social practice, which involves a long-term effort on more than one aspect of society.

In order to gain a more accurate insight into this gap, it must be critically analyzed what reasons could be behind the low efficiency of legal mechanisms. The next section is therefore concerned with a gap analysis in detail, looking at the structural, institutional and cultural factors that lead to the perpetuation of caste discrimination in India.

GAP ANALYSIS: WHY LAW FAILS IN PRACTICE

The inability of caste discrimination to disappear in India despite the high level of constitutional and legislative regulation is the reason why the issue of the gap between the law and its practical implementation should be examined critically. The absence of this gap cannot be explained by the lack of legal provisions but rather by the intricate interaction of structural, institutional, and cultural factors that make these laws ineffective. These factors are vital in determining the constraints of the existing legal system and finding ways in which the law can be changed.

Enforcement is among the main factors that have contributed to this gap. Legal measures

against caste-related discrimination such as laws banning untouchability and violence based on caste are often flawed by lack of proper enforcement. Slowness in investigation, inefficiency in the procedure and poor rates of conviction diminish the deterrent effect of such laws. In most instances, enforcement agencies are unable to respond effectively or in time thereby letting discriminatory practices prevail. This gives an impression that the law is merely a show and not a substance.

The institutional prejudice also makes it harder to enforce anti-discrimination laws. Police departments and governmental institutions cannot escape the social stratifications that they are supposed to govern. Prejudices that can be based on caste may affect the registration of complaints, the process of investigations and the prosecution of cases. These prejudices decrease the reputation of the criminal justice system and deter the victims to pursue justice. Where the same social inequalities are reflected in the institutions charged with the responsibility of enforcing the law, the effectiveness of the legal remedies is seriously undermined.

The issue of access to justice is another important factor. The marginalized groups usually experience a significant impediment in accessing legal practices. The lack of legal education, financial limitations and societal pressure do not encourage the people to take any legal action. The legal process itself may be complicated, time-consuming and threatening, especially to individuals who lack access to resources or support. This leads to a lot of caste discrimination cases going unnoticed or unaddressed, which restricts the scope of the law.

Social and cultural norms are also important factors that perpetuate inequality that is based on caste. The system of caste is so deeply entrenched in social practices, traditions and belief systems, it becomes hard to be legally interfered with. Cultural conditioning and expectations of the community support practices like endogamy, social segregation and occupational stratification. These norms exist in the absence of formal law and in most cases they nullify the effects of the law. Laws can ban discrimination, but they cannot readily change the social attitude deep-rooted in society.

Another significant aspect of the law-reality gap is economic dependency. Marginalized communities have a tendency to turn to dominant caste groups when it comes to finding jobs, housing and social support. This addiction gives an imbalance of power that prevents people to question the discriminatory act. Victims may feel afraid to demand their legal rights due to fear of retaliation, loss of livelihood or social ostracism. The legal remedies are available formally in such contexts but they are not practically available.

The type of the legal system itself also leads to this gap. The litigation model is based on the

adversarial approach to litigation, which is not based on the systemic issues. Caste discrimination, though, is a structural phenomenon, which impacts whole communities. Treating it by individual cases might fail to reflect its bigger dimensions or result in any significant structural change. Although judicial rulings can provide significant precedents, they can usually only produce effects on the particular cases in which they are issued.

The other weakness is the disaggregation of lawful reactions. The constitutional provisions, legislative actions and judicial rulings all exist within various spheres, which are often not sufficiently coordinated. Such a disjointed strategy may lead to discrepancies and implementation gaps. An example here is that the judiciary can take a progressive understanding of equality whereas the administrative agencies that will act on enforcing the law may not be in accordance with these principles. This incoherence undermines the effectiveness of the overall legal framework.

Another factor that should be taken into account is the role of the political and social forms. The politics based on identity has the potential to empower as well as limit the marginalized communities. Although the mobilization of political parties based on caste identity can help increase the number of representatives, it can also strengthen the existing divisions and undermine any attempts to integrate. Political factors may also play a role in the enforcement of the laws and it may affect the impartiality and efficiency of enforcement systems.

In addition, a propensity to consider legal reform as a viable solution to social ills exists.¹¹ This premise does not pay adequate attention to the drawbacks of law as the means of social transformation. Although legal provisions play a key role in the creation of norms and the provision of remedies, they cannot alone cause a change in long-established social structures. Historical examples of caste discrimination demonstrate the weaknesses of a legal-based perspective and underscores the necessity to go beyond a legal-focused approach and requires a major social and institutional reorientation.

The disjunction between law and reality, therefore, becomes a structural problem and not a problem in itself. It is a reflection of the engagement of legal norms with social practices, institutional competencies and economic circumstances. To fill this gap, a multidimensional strategy that transcends enhancing the legal statutes is necessary.

Any improvement in the enforcement should be coupled with efforts to improve the institutional accountability and reduce bias in the legal system. Marginalized communities can be empowered to exercise their rights through increasing access to justice through legal aid,

¹¹ Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing, 1982).

awareness campaigns and simplified procedures. Meanwhile, social reform measures targeted at breaking discriminatory standards and advocating inclusivity are critical to ensuring that legal principles can be actually achieved.

Finally, the fact that caste discrimination persists in the face of legal protection, is not a failure of constitutional design but a symptom of the larger structural problem. Addressing the gap between the law and reality involves an integrated approach that uses legal, social and institutional approaches. Only with such an all-inclusive endeavor can the transformative potential of the Constitution be fully actualized and the promise of equality be brought to life.

CONCLUSION AND RECOMMENDATIONS

The analysis conducted in this paper shows a paradox, which is quite old and deep, at the core of Indian constitutionalism: even as the law is categorical in ensuring equality and in prohibiting discrimination based on caste, social reality is still reflective of deep-rooted hierarchies and marginalization. This contrast between the law and the lived also highlights the shortcomings of using legal mechanisms as the sole means to combat structural inequality.

The constitutional structure of India is a vision of change that would be able to eradicate historical injustices and would foster substantive equality. This framework has been further reinforced by legislative measures and judicial interventions which have translated constitutional principles into enforceable rights and have expanded the scope of equality jurisprudence. But as this paper has shown, the presence of a detailed legal framework has not been enough to eliminate caste discrimination in practice.

The inability to end caste-based inequality is sunk in a complex interplay of structural, institutional and cultural elements. The systemic bias, barriers to accessing justice, institutional bias, a weak enforcement of laws and socio-economic dependency are all contributing factors to the limited effectiveness of legal provisions. Meanwhile, the existence of caste hierarchies that are sometimes beyond the scope of formal law, continues to be reinforced by deep rooted social norms and cultural practices. These facts illustrate that caste discrimination is not only a matter of law but also a social phenomenon.

The judiciary has been instrumental in furthering the discussion on equality, especially by acknowledging dignity and embracing substantive equality. Nevertheless, the effect of court cases is often limited by the issues of implementation and the wider socio-political environment. This helps to reaffirm the premise that legal reform, though necessary, is not sufficient on its own.

With these findings, it is clear that there must be a multidimensional approach in bridging the gap between law and reality. First, it is necessary to reinforce the existing law enforcement. This entails enhancing the productivity of investigation and prosecution, making the public officials accountable and improving the capacity of the institution. The legal provisions without effective enforcement will simply be symbolic and not transformative.

Second, there is a strong need to enhance access to justice by marginalized communities. Legal aid services, sensitisation and community-based support systems can enable individuals to assert their rights and demand redress. Accessibility and effectiveness of the legal system can also be improved by simplifying legal procedures and minimizing delays.

Third, institutional bias needs to be addressed concerning ensuring fairness with regards to the administration of justice. Reduction in prejudice and a more equitable approach to the management of cases of discrimination can be achieved by sensitization and training of law enforcement officials, judicial officers and administrative authorities.

Fourth, legal reforms should be supplemented with social and educational programs. Community engagement, inclusive education and public awareness campaigns could be crucial in confronting discriminatory norms and introducing a culture of equality. Change in the long run involves the change in societal attitudes, which cannot be effected solely through the law.

Fifth, to end the cycle of dependency and exclusion, the marginalized communities need to be economically empowered. The ability of people to oppose discrimination and demand their rights can be improved by policies that focus on improving access to education, employment and financial resources.

Finally, a more integrated and intersectional approach to policy-making is needed. Recognizing the interconnected nature of caste, gender and other forms of identity can help in designing more effective and inclusive strategies for addressing discrimination.

In conclusion, the persistence of caste discrimination in India reflects not a failure of constitutional vision but a challenge of implementation and social transformation. The law provides a robust framework for equality but its success depends on the broader context in which it operates. Bridging the gap between law and reality requires sustained commitment across legal, institutional and societal domains. Only through such a comprehensive and coordinated effort can the constitutional promise of equality be meaningfully realized and translated into everyday lived experience.

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