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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

BATTLE AGAINST CASTE BASED DISCRIMINATION IN PRISON

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ABSTRACT

This paper tried to highlight the evil of caste based discrimination and battle of eradication of the same, it shows the struggle our constituent assembly has went through in creating a strong foundation with a dream to achieve the India where all its citizens are liberated, equal and live with fraternity.

With this ideals in mind, our Judiciary time to time with its wise wisdom tries to inculcate the same emotions in society and tries to uplift the victims of atrocities.

In the recent judgement of Sukanya Shanta vs. Union of India, the petitioner and Journalist Sukanya highlighted the evil of discrimination prevalent in Prisons and how prisoners are assigned to their jobs based on centuries old Manu's Varna System, to curb this problem three judges Bench came up with the guidelines and directed the Union And the State Government to amend their Prison manuals.

This research paper also talks about United Nations on Human Rights of prisoners and also how in developed nation like United Kingdom assignment of work is given to prisoners.

BATTLE AGAINST CASTE BASED DISMINATION IN PRISON

Introduction:

With the advancement of society and dynamism in thought process of people has led a major shift how society perceives Verna system, it has been seen that people appreciate skill based recognition rather than caste based discrimination.

In India majority of events, laws and pronouncement has shifted the ideologies of non recognition of customs, traditions and laws which were derogatory to fundamental ethics of human life. Whether it was a customary practice or a discrimination on the basis of caste, creed, gender, status etc. Our constituent assembly was very vigilant in addressing this problem, therefore they made an extremely elaborated constitutional mandates to tackle this problem, they had a vision of seeing India based on liberty, equality, brotherhood, fraternity and eradication of all kind of evils like untouchability.

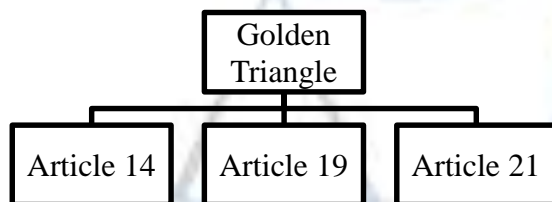
After the horrific event of colonial rule, India was aware of the mistakes it needs not to repeat and this was one of the reason that our constituent assembly made a strong written constitution, so that India could never be bashed by similar error ever again.

The constitution of India has a strong foundation and describes powers and authority of every officials, with reasonable restriction and policies of check and balance, it elaborates the duties of authorities, different organs, implementation, rights of citizen & non citizens, it also entitle India to be sovereign, secular, socialist, Democratic, republic with enriching the feeling of fraternity among all Indians, also the doctrine of basic structure to curb the problem of unnecessary amendments.

The fundamental Rights which are given to every citizen of India is of paramount consideration, these are some basic rights which the citizen of India enjoy and cannot be curtailed by government, it keeps check on the powers of government to an extent that it curbs arbitrariness of government. Where in there are some rights which cannot be violated even at the time of emergency and are so interwoven with each-other that if one right is curtailed it has a direct impact on the other, for example Article 14, Article 19 and Article 21. (Golden Triangle) another most Important Article is Article 15 which talks about Non discrimination, which helps the citizen to curb all sought of bias which one could face.

Even though there is a strict rule that in no case such fundamental rights should be violated. Government has still manipulated and curtailed these rights for securing their own agenda, for example: there was a major infringement of these rights at the time of emergency which gave rise to a Golden triangle, in the case of *A.K. Gopalan v. State of Punjab*¹: It was held by majority of bench that Article 21 is a part of Natural justice and it shall not be curtailed except procedure established by law and such procedure should be fair and reasonable, away from all kinds of unreasonable and arbitrariness.

In *Maneka Gandhi v. Union Of India*²: Legality of every law shall be tested by thread of Golden triangle, Article 21 shall not be read in Isolation as it futile the very purpose it is interwoven and interconnected other Articles like Article 19 and Article 14.



The constituent assembly also wanted to inculcate some humanitarian sentiments, involving such rights which lead an individual live their life with all kind of freedom and spread their wings through their caliber without being told what they had to do only because they belonged to a particular section of the society but **sadly even after 77th year of Independence we are unable to achieve that goal, there are some unseen and unrecognized biased prevailing in our country, one of the recent example of this is:**

Sukanya Shantha V Union Of India:³

By C.J.I Dhananjaya Y. Chandrachud, J.B.Pardiwala J., and Manoj Mishra J.

This case is a very recent example of caste based discrimination, it was highlighted by Sukanya Shantha who is a Journalist and posted an Article “From Segregation to Labour, Manu’s Caste Law Governs the Indian Prison System”,⁴ which was published on 10 December 2020. This Article highlighted a major problem which was Caste based discrimination in prisons, she argued that there are approximately more than 10 state police manuals who needs to be changed to curb this problem and she prayed to done away with or to modify such rules which are

¹ AIR 1950 SC 27

² 1978 AIR 597

³ 3rd October 2024:

⁴ <https://pulitzercenter.org/stories/segregation-labour-manus-caste-law-governs-indian-prison-system>

derogatory to Article: 14, 15, 17, 21 and 23 of Constitution of India. The convicts in the prison are assigned with some jobs, which includes, cooking, cleaning, washing etc, here such assigning of work was purely caste based and not taking into consideration other important factors such as age, offence, skills of the convicts, the upper class was assigned to cook where as the shudra were assigned to do all kind of sanitary work such as cleaning latrines.

ISSUE:

- A. Cast based discrimination in prison.
- B. Certain state manuals Violative of Article; 14, 15, 17, 21 and 23 respectively.
- C. Discrimination against denotified Tribes and habitual offenders.
- D. Repeal of the Criminal Tribes Act, 1871 or the enactment of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

Manu's Verna System:

Manu has described four Verna's in his book "Manusmriti" in which he had classified hierarchy of caste and division of work according to caste people were born in, and with this division even four Verna in his their children were compelled to do only that thing which was assigned to their ancestors by the society. The will of the people and their talents were usually ignored, even when they were willing to do something different or were capable of doing something extraordinary in their life, they were forced to do work according to their Verna, as under:-

1. The superior most in this hierarchy was **Brahmin's** who were treated the most intelligent and therefore were assigned to be Guru or academicians, they were counsellor of kings and were treated with utmost respect.
2. The second group was **Kshatriya's** which were the warrior class and often linked with a job of saving the kingdom from outside intrusions, they were also the Rulers and administrators.
3. The 3rd class according to Manu was **Vaishya's** who were the market holders and indulge themselves with business, market and Agriculture.
4. The last and most derogatory class according to him was **Shudra's** who were assigned the work of artisan, laborers and merchants.



The Varna system was also discussed in **Mahabharata**, one of the epics of Hinduism in which by Bhrgu co-related different Vernas with different colors: Brahmin were white, kshatriya were red, Vaishya were yellow and shudra were black respectively, which was criticized by a prominent sage Bhardawaj. He asked when blood and bile in all humans are same that on what basis such classification is done ? He also argued all the behavioral qualities like anger, anxiety, fear, hunger, greed is same among all than what is that one quality which distinguishes them ?

Highlighting Defects in Prison Manuals which do caste based discrimination:-

1. Earlier in 1840 the prisoner were given the food allowances and they were expected to prepare their own food, but later the policies became more strict and mess was divided into several part where each caste can make their own food, and one cook was assigned for each group.
2. The prejudice of cast system was extremely prevalent even inside the jail as shown in the report published in 1862, which talked about Lucknow Central Jail, here the Brahmins were allowed to take bath before they eat their meal and they use to mark their place where they would eat it, and while such consumption no one was allowed to enter the room.
3. Other ritually polluting tasks like removal of human urine and excretion, shoe making, removal of leather etc was given to the people belonging to lower caste, upper caste use to cook their own food as they denied to eat meal cooked from the hands of lower Verna.

PRESENT: State Manuals and their Defects:

- **Uttarpradesh Jail Manual 2022:** Rule 289(g) of this manual states that the convict punished with Simple Imprisonment shall not be doing any duty which is of derogatory nature, until and unless the community has accustomed him to perform such duty.

⁵ https://vedicfeed.com/varna-system-in-hinduism/#google_vignette

- Rule 158 A convict who belongs to a scavenger class may perform scavenger duties in Jail as well.
- **West Bengal Jail code:** Rule 741: A convict who belongs to a suitable class can cook his food and carry it to his cell under the supervision of jail officer.
- Rule 493: Sweeper should belong to a Hari Class, Mehtar class, or class which generally do this work in their community or a person who voluntarily want to do it.
- Rule 1117: A convict who belongs to high class cannot be asked to eat food made from the hands of existing cook, he shall be appointed as a cook.
- **Madhya Pradesh Jail Manual:** Rule 36 the Mehtar are appointed for dumping the waste of latrines.

The petitioner argued that, the above manuals are outrageous and is violative of constitutional mandated, petitioner arguments referred the following Judicial Pronouncements:

The constitution is not static it is a living document and evolves with time and needs, the supreme court has inculcated so many new Rights to Individuals over the past 75 Years so that citizens can live their life with utmost privileges and dignity, the counsellor referred the case of **Justice K. S. Puttaswamy v Union of India**⁶ where the supreme court talked about Individual autonomy and individual dignity, there is a need to draw a balance between Individual needs and state authority, the court also elaborated the meaning of individual autonomy ‘ it is an ability to make our own decision without any undue influence of someone else, this eventually leads to a dignified life and Pursuit of happiness.’ Dr. Chandrachud also stated, that for the sake of facilitation of Justice, the interpretation of constitution must be keep on evolving.

Highlighting **Article 13**, the petitioner stated that any law or any part of which is inconsistent or in derogation with Part 3rd of the constitution shall be void to that extent of inconsistency.

State of West Bengal v Anwar Ali Sarkar⁷ Classification under Article 14 should never be arbitrary it should always pass the twin test;

- i. Intelligent differentia: which differentiate the one who are grouped together from others.
- ii. The intelligent differentia should be reasonable to achieve the goal it was set for.

⁶ AIR 2017 SC 4161

⁷ AIR 1952 SC 75

It should be free from any kind of bias and arbitrariness, it should be reasonable & just and should be based upon some reasonable classification. In this particular case, the distribution of work was mere because one person belongs to a particular caste and no reasonable classification was done as following things were not taken into consideration: Tenure of offender, crime, age, skill etc.

Another factors which are to be taken into consideration while doing reasonable classification under Article 14 are *State of Punjab v Davinder Singh*.⁸ The court has to see while doing intelligent diffrentia, the state legislature or executives were capricious, irrational or inadequate, and to determine the same one has to see whether the real purpose for which the statue was created is fulfilled or not. Another thing which has to be kept in mind by the court, is whether the legislature was arbitrary or not, also whether it fulfilled other constitutional standards and provision while making such statue.

Article 15: Prohibition on Discrimination: This Article prohibits the state or any person from discriminating other mere because it belongs to a particular caste, religion, race, sex, birth of place.

This Article is of major importance as in colonial times people had to face extreme biases, because they belong to a particular class of people, the repercussions were devastated as they were not allowed to enjoy basic human amenities such as education, visiting temples, performing a particular job, access to common water wells etc. Dr. B.R. Ambedkar, waited a decade long to make his dream into reality to eradicate such meaningless discrimination which ridicule or lower the self esteem of people who belong to a particular social spectrum. It is the duty of the state and Judiciary to scrutinize such laws and overcome the outcomes by declaring them null and void, court emphasized the same in this case of *Karma Dorjee v Union Of India*² In this case court while dealing with a Public Interest Litigation by North-East Indian, on Racial Discrimination ordered Centre and State government to take Proactive steps to curb this kind of discrimination. Any kind of stereotype which distinguishes one person from this other is not permissible and it the duty of the state to take actions against the people who spread such kind of atmosphere and make mockery of other persons life or rights.

⁸ AIR ONLINE 2020 SC 699

⁹ AIR 2017 SC 113

Nitisha v Union of India¹⁰ court tried to widen the scope of anti-discrimination law distinguishing Direct and Indirect Discrimination, it held that though indirect discrimination is not that easily detectable but to determine whether any sought of discrimination is prevalent in society, court has to take all the factors into consideration and it is the duty of the constitutional courts to strike down the such discriminatory practices, compensate the victims of such discrimination, also to make such schemes which provide adequate relief which tries to curb this social discrimination, reduce future harm and tries to instigate constitutional mandates in achieving equality and anti-discrimination policies.

Article 17: Ban On Untouchability: It was a social discriminatory practice, which by introduction of this Article was abolished and if any person (State or Non- state) who infringes this provision is liable to be punished.

Historical evidences shows that untouchables were discriminated, mere because they belonged to a particular set of class, the superstition and beliefs of people were so extreme and illogical that, Dalit were treated with extreme humiliation and animal like treatment, they were not allowed to use the public access, temples, educational institution and also deprive to pursue avocation they wanted. This lead to social, economical and cultural backwardness in them. To make them come into mainstream government tried to take some affirmative actions and judiciary by its Judicial pronouncements tried to uplift them.

In the case of **Indian Young Lawyer Association v State of Kerala**¹¹ Four Judges bench led by then Chief Justice of India R.F. Nariman, A.M.Khanwilkar J., Indu Malhotra J. and Dr. D.Y.Chandrachud reiterated the Vision of Article 17, untouchability is a Violation of basic human Right, which every individual should be guaranteed and constituent assembly believed that abolition of untouchability will lead to restoration of social order in society. This provision aims at “give vulnerable people the power to achieve collective good”. This provision is a rationale of social transformation in society, the bench also highlighted the concept of “**Purity and Pollution**” which means that people who are upper in Verna system are pure and people who are below in hierarchy were considered polluted. Introduction of Article 17 has attacked the very core of this ideology and strike the heart of Verna or caste system.

¹⁰ 25th March 2021

¹¹ AIRONLINE 2018 SC 243

Therefore Article 17 is Fundamental Right so that it can strengthen the right to Equality mentioned under Article 14, and all kind of manifestations of inequalities and caste discrimination should be eliminated so that basic human dignity and human autonomy is restored in society.

Article 21: No Person shall be deprived of his life and personal Liberty except by procedure established by law. “ Life” under this provision does not means mere animal existence the Judicial Pronouncement over the period of time has showed us that ambit of ‘Life’, is very vast it includes bundle of rights, where people are guaranteed to live their life with utmost dignity and respect, the way they wanted to pursue their own life therefore it also includes personal autonomy, it also includes protection against any kind of torture, inhuman or cruel behaviour, mere survival cannot be considered as life living with respect, dignity and freedom from all kinds of evils is what life is.

Colonial rule or pre-constitutional era showed us that, Prison were made not only to curtail an individual freedom but also to degrade human worth and self dignity, this was the major reason that our framers and post constitutional decisions gave Right to dignity even to the prisoners, so that they cannot be the victim of domination and humiliation. Justice Krishna Iyer, in the case of **Sunil Batra v Delhi Administration**¹²

No prison authority is allowed to act unconstitutionally with convicts, under trial prisoner and accused waiting for death penalty, the Rule of law makes the stone wall and Iron bars bow before itself. Cellular segregation and solitary confinement is inhuman and should not be in practiced, it is for the betterment of prisoners that authority of prison including all the administrative staff should be trained to empathize a little and inculcate some humanitarian ethics in them.

The prisoners does not stop being human beings after being convicted, therefore in not circumstance they should be treated as animal, barbaric, or loss of their human dignity. The authorities are required to fulfill their basic needs in prison which they are entitled to and no way should be ill treated, and if any authority or guardian of prison is found to be go berserk or defile the human dignity should be punished by law.

¹² AIR 1978 SC 1675

Court also reminded, that most of prisoners are illiterate or come from the family which strikes the poverty, they live in a cell where their voice is inaudible or pain is unseen by outside world, therefore it is the duty of administration and courts to see at intervals that fair procedure is established in jail by jail authorities.

Article 23: Prohibition of Forced Labour or Human Trafficking:

As stated by Dr. B.R.Ambedkar that there are multiple fear in the mind of human beings like fear of starvation, losing their job, house, living their life on public charity and being buried on public cost etc which compels them to relinquish their fundamental rights and therefore it is duty of government to protect its citizen from such exploitations.

Constituent assembly was aware that since the schedule caste, bhaujan, harijan etc were being suppress for longer period of time it is very difficult to eradicate such evils in snap of fingers, if they are compelled to do an inferior jobs or forced labour, they will agree to it to run their subsistence and to eradicate such exploitation Article 23 was introduced.

Democratic Right v Union of India¹³ Article 23 was introduced by framers to make state obligatory to ban forced labour and forced slavery our nation is a new egalitarian social economy, in which such exploitation is not permissible. The court introduced the meaning of Forced Labour, which means when a labour is remunerated less than minimum wages. It has a very wide scope, any kind of manifestation which leads from compulsion is what is forced labour. **Sanjita Roy v State of Rajasthan**¹⁴ Women of Schedule caste who were working under Rajasthan Government as constructor in a Famine project and therefore they were not being paid as per Minimum Wage Act, 1948 on which court held that the state government cannot take advantage of their helplessness, one cannot extract the utility from a person or worker merely because he has scarcity of resources, and to fulfill his poverty or scarcity agreed to work at less than minimum wages, if any such instance takes place is considered to be a forced labour and is Violative of Article 23 and 14, Justice pathak ask the government to pay accurate rates to the worker and fulfill the gap between minimum wage and actual wage.

¹³ AIR 1982 SC 1473

¹⁴ AIR 1983 SC 328

State of Gujarat v Honorable High Court of Gujarat¹⁵

The main issue in this case was the prisoners who are in the jail and doing labour as part of their punishment should be paid minimum wages or not? The court held that, the prisoners who are under going Rigorous Imprisonment are exempted under Article 23(2) as it comes under the ambit of “serves the Public Purpose” and therefore their consent is also not required, meanwhile the prisoners who are under going simple imprisonment cannot be asked to do manual work, however the court held that they should be paid equitable wages.

Charles Sobraj v The superintend central Jail Tihar, New Delhi¹⁶ In this case court upheld the constitutional and Fundamental Rights of Prisoners even in the jail, Krishna Iyre J. stated that the distinction made in the prison system for assignment of work, educational and vocational opportunities such distinction is unconstitutional and irrational, the fact that a prisoner is rich or poor is of high standards or low, educational background or the caste whether is of upper caste or lower caste is irrational as differntia in a socialistic, secular, democratic and republic country like India, even though most of the fundamental rights in prison are limited still most of the rights like Article 14, Article 19 and Article 21 are not static as such, it will still rise in challenging situations.

For the last issue which was **Discrimination against Denotified tribes and Habitual offenders, History:** The Criminal Tribe means a tribe or group of people which can be designated as criminals, in any area or zone this is mostly seen in north west side, Punjab oudh etc where with the prior permission of the Governor General a particular class or group of people can be declared as a tribe of criminals if they were deemed to be addicted to commission of any kind of offence which is non-bailable offence, and their entry in a particular village or area is restricted. The Act which was **The Criminal Tribes Act**, provided with registration of such tribes their surveillance and control.

Here people of society use to give a report to Governor General showing them the reasons that how a particular wandering tribe is a criminal tribe and also, how they will earn their livelihood. The Local Government had the power to declare any wandering tribes as criminal tribe unless they showed their lawful occupation to the government.¹⁷

¹⁵ 24th September 1998

¹⁶ AIR 1978 SC 1514

¹⁷ Section 2-5 of criminal Tribe Act 1871

This act was also out of preview of Judicial Review irrespective of any procedural irregularity, and the members of this tribe has to mark their attendance in a register made by magistrate and kept by the District Superintend of Police and non compliance of same will attract the penal provisions.

Also with regards to occupation and employment the government had the power to engage any member of this community to be employed who is under reformatory settlement.

They were kept out of the village and were settled either in reformatory settlement or some other settlement, if they were to move from one place to another, they had to take prior permission of Superintendent of police and once allowed they are given pass to do so and they can enter such a village only after showing that pass. The police personnel inform the head or other villagers about the arrival of this tribe before hand.

Also the police has the power to arrest any member of this community without warrant, mere on suspicion. If any rule mentioned in the ACT are not followed than there is a Punitive measures which includes Rigorous Imprisonment extending Six Months to 1 year (second breach), whipping or fine.¹⁸

This Act, from head to toe was based on extreme stereotype and infringement of values of constitution, a citizen is considered as criminal merely because he belongs to a particular community, he was not given a change of change or reformation, his identity is stigmatized mere on baseless speculation and all his activities are under surveillance, for bare minimum he needed consent of government, if he wanted to grow out of his situation he was not allowed to chose a vocation of his choice.

This **Act was amended twice in 1876 and 1897¹⁹** respectively, only to worsen the condition of this tribe, the children were separated from their parents for reformation, punishment were stringent for 2nd or 3rd time offenders, police officials and government's were empowered, But both of these Acts **were repealed by 1911** Act, the **new Act of 1911** extended to whole British India and empowered the government to declare any tribe as Criminal Tribe without the

¹⁸ Section 6, 9-18 of Criminal Tribe Act, 1871

¹⁹ The Criminal Tribes Enquiry Committee Report (1949-1950)

authority of any Official, any official could take the fingerprints of any member of this tribe only on mere speculation.²⁰

It was further **amended in 1923, consolidated in 1924 and amended in 1925 again**, between 1871- 1947 large number of communities were considered as criminal tribe approximately 150 tribes.

This issue was raised by H.J.Khandekar in constituent assembly, and most of the punishments were abolished from the Act, since states has the concurrent Jurisdiction, most of the states abolished this Acts, Madras and Bombay immediately Repealed this Act from their states.

After India got freedom the report of a committee 1951 showed that most of the people of this community is as human as us, and all the allegation and ill-treatment was baseless, since we have our newly framed constitution the provisions of Criminal Tribe Act is Violative of constitutional mandates.

The committee also recommended, that Criminal Tribe Act should be abolished and central legislation should introduce a new law concerning Habitual Offender which should not be discriminated on the basis of any caste, creed or religion, all the mandates should be followed by states and they should add PART B and C in First Schedule. **Finally the Act was Repealed in 1952 and criminal tribes become the Denotified Tribes.** We are free from this Act but not with the spirit of this Act, the Denotified Tribes including Schedule caste and Schedule Tribe, still are the victim of unwanted irrational behaviour of society, there has been multiple measures taken by government and judiciary but one has to understand that it is a long battle we have to won against the society to curb this evil, for this the court has to make sure that legislature's proactive efforts like the Prevention of Atrocities Acts, etc are to be implemented without any foul play and ineffectiveness, and even more strict and affirmative actions has be taken to dis-mental this unfortunate evil from society.

Court Held: The Three Judges bench Comprising D.Y. Chandrachud CJI., P.B. Pardiwala J. and Manoj Misra J. unanimously held following points:

²⁰ Section 3,11,9,5 of Criminal Tribe Act, 1911

1. The impugned provisions of State Manual are declared unconstitutional, and are considered to be Violative of Article 14, 15, 17, 21 and 23 respectively. All the Union Territories and States are directed to Revise their prison Manual as per this Judgement and constitution within 3 Months.
2. The union government is directed to make necessary changes as per this Judgement in Prion Manual 2016 and The Model Prison correctional services Act,2023, within 3 Months.
3. The definition of “Habitual Offender” shall be taken from the Habitual Offender Legislation made by respective State legislation, subject to any constitutional challenges against such manual in future. All the definition mentioned in the impugned prison manual is declared unconstitutional. Where in any State or Union Territory does not have their Habitual Offenders Legislation of their own are directed to make the same with in the period of 3 Months in the concurrence of this Judgement.
4. Caste column or reference of caste for any under trail prisoner, convict etc should be deleted from the register of the prison.
5. To ensure that any prisoner who is of denotified tribe or other is not a victim of any kind arbitrariness, the prison authority are required to follow the guidelines in the case of **Amanatullah Khan Vs. Commissioner of Police(Delhi)**.²¹
6. From now court will take the suomoto action on any discrimination in the prison, and the case will be registered with the name of **‘In Re: Discrimination Inside the prison in India’**.
7. On the First Hearing of above suo moto action or case to be instituted the government is required to show that all the conditions mentioned in this particular case is complied with.
8. The Delhi Legal Service Authority (DLSAs) and the Board of Visitors formed under Model Prison Manual 2016 shall make regular visits to the prison to keep check whether any sought of discrimination is taking place in a prison or not and they shall Jointly make a Report of the same which shall be forwarded to State Legal Service Authorities (SLSAs) and this authority shall forward the same to National Legal Service Authority and after proper compliance and joint reports the NLSAs shall forward the report to the court on which this court will take the Suo Moto Action.

²¹ 2023/DHC/000409

9. The Union Government is required to circulate copy of this Judgement to Chief Secretaries of every Union Territories and State within 3 weeks of delivery of this judgement which was (3rd October 2024)

Recently the Supreme court of India²², struck down the prison manual and stated all these prison manuals which are discriminatory in nature is unconstitutional.

The United Nation, On Human Rights of Prisoners:²³ There are some basic Principles for the Treatment of Prisoners which are as follows:

1. All the prisoners should be treated with due respect and human value, with inheritance of their basic dignity.
2. There shall be No Discrimination on the basis of caste, creed, religion, race, colour, sex, language, nationality, political views, social origin, status or property they inherit.
3. Though there shall be no discrimination on the basis of religion but still the religion of every prisoner should be respected and their religious or cultural practices should not be curtailed.
4. All the prisoners are required to participate in all cultural and educational activity of their all over development and well being.
5. Except all the necessary limitations, the member countries of United Nations are expected to follow The International Covenant on Economic, Social, Cultural Rights and International Covenant on Civil and Political Rights, Optional Protocols and other humanitarian rights of prisoners.
6. Encouragement of abolition of solitary confinement as punishment or its limited use.
7. Make the prisoners so capable by remunerating employment, so when they reintegrated in the society they shall be self-reliable to be able to get into labour market of the country and be asset to society and their own family.
8. With the help of the community, taking into consideration the safety of victim and society at large, try to re-integrate the ex-prisoner into society under the best possible ways.
9. The prisoners should have the access of best health care facilities and services without any sought of discrimination for him and his family.
10. The above principles shall be applied without any impartiality.

²² 11th November 2024

²³ UN CHARTER

Assignment of work to prisoners in United Kingdom: After an accused is sentenced by the court on merits, his journey to another spectrum gets started, to decide how he will be spending his life in jail, many factors are taken into consideration, in United Kingdom the authorities who decide the same are 4 fold:

1. The Judiciary
2. Probation service
3. The prison service
4. HM prison and Probation service (HMPPS)

The **Judiciary** decides the sentence, kind of punishment and quantum of sentence, offender is going to undergo. After that **the probation service** tries to mitigate the sentence, it makes the judges take into consideration all relevant factors for determining whether the prisoner needs to be taken into prison, Non-custodial sentence or release him on license.

If an accused is sent to prison, then the role of **Prison Service** comes into picture, the prison service before putting him into a cell takes numerous factors into consideration:

Kind of offence a convict has committed and how much harm he could lead to society, himself or the prison, before sending him to his actual abode. The time he is going to be sentenced also plays a vital role, an offender who is going to spend a long term in prison is given stable and appropriate accommodation and short term or prisoner on remand etc are also given equal attention.

HM Prison Probation service (HMPPS) is an authority which actually administers the prison, its main aim is to manage a prison, it has a huge responsibility of management of prisoners and people in youth custody, while distribution of their targets to the prisoner it takes into consideration many things, reforming and rehabilitation of offenders, work suitable, learning experiences etc. The main aim in the prison of developed nations is not only to punish the offender for wrong he has committed in society but also to make him a changed person, by reforming his ideologies, make him learn some activities in rehab that when he completes his sentence and walks out in real world he shall not be felt an outsider, assuring that he is acquainted with such skills that soon after of his release he finds a new job or opportunity so that he can earn his own bread and better and discontinue to be a criminal only because of poverty or unemployment.

Conclusion: With the above discussion we can finally conclude that India is in inherent battle against the long customary evil of caste based discrimination and the throne to this struggle is liberated and equal India, we have seen that we have come a long way but there are some instances we still have to fight.

The multi facet efforts of our government and Judiciary is trying to suppress the inequalities in our nation, which is not only important for our societal growth but for our individual growth as well. The plethora of Judgement since we have attain independence is dived to fight the divergent thoughts of people of our society and inculcate the essence of fraternity in every individual of our nation. The recent Judgement of Sukanya Shantha vs Union of India, has highlighted that sometimes the inequalities can prevail in most bizarre way and to the people most of our citizens are not empathetic to, but as we know that law does not leave even its notorious child behind, it is the duty of an individuals to fight for those who cannot fight for themselves, as stated by Dr. D. Y. Chandrachud, the law fights even for those, who does not believe in it.

Our constituent assembly struggled a lot to give equal treatment to those who have been suppress their whole life merely because they belonged to a particular caste, creed or religion. We are in the modern era where everyone should get only that thing which is outcome of their own action, other than that all sought of classifications are outrageous to human dignity. And for doing so we can get inspiration from developed nation for example as we have seen that assignment of work to prisoners in United kingdom is not status or caste based but based on their skills, age, tenure and kind of offence committed, same can be inculcated in Indian Prisons also along with guidelines given by the bench in above case. On this note we hope to see India which is away from all sought of discrimination and upliftment and prosperity to all.