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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **CASTE-BASED DISCRIMINATION IN INDIA: CONSTITUTIONAL SAFEGUARDS, LEGISLATIVE FRAMEWORK, AND IMPLEMENTATION CHALLENGES**

AUTHORED BY - PRABHAKARA RAO KARLAPALEM

## **Abstract**

The Indian caste system, originating during the Vedic period (1500-1000 BCE) as the varna system, has evolved into a rigid hierarchical structure perpetuating systematic discrimination against Scheduled Castes (SCs) and Scheduled Tribes (STs). Despite comprehensive constitutional provisions and legislative measures enacted over seven decades, caste-based discrimination persists across employment, education, public services, and social participation. This article examines the evolution of legal remedies within India's constitutional framework, analyzing key legislation including the Protection of Civil Rights Act, 1955, the SC and ST (Prevention of Atrocities) Act, 1989, and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. The study reveals a significant gap between legal safeguards and ground realities, with the National Crime Record Bureau reporting over 57,582 cases of atrocities against SC/ST in 2022, representing an increasing trend. Uttar Pradesh, Rajasthan, and Madhya Pradesh emerge as states with highest crime rates against marginalized communities. The article identifies persistent societal biases, political indifference, judicial delays, and institutional prejudices as primary barriers to effective implementation. International approaches treating caste discrimination as racial discrimination are critiqued for failing to capture the unique complexity of caste-based oppression. The study concludes with recommendations for multidimensional reforms including specialized police training, fast-track courts, robust victim rehabilitation programs, public awareness campaigns, and enhanced monitoring mechanisms to bridge the implementation gap and achieve substantive equality.

(Key Words: Caste Discrimination, untouchability, fundamental rights, Scheduled Castes, Scheduled Tribes)

## Introduction

Arguably the Indian caste system originated between 1500-1000 BCE, during the vedic period. Rigveda, which was written between 1500-1000 BCE had the reference of varna system, equivalent to caste system in certain aspects and varna system categorized the people into Brahmins (learned), Kshatriyas (rulers/warriors), Vaishyas (merchants/landowners) and Shudras (manual labour). A section of History scholars posit that varna system was not as rigid as later on transformed caste system and allowed individuals to opt their choice of profession not stymied to their birth and to substantiate their claims cite one or two illustrations like Vishwamitra's transition from Kshatriya to Brahmin and Eklavya's father's shift from Shudra to Kshatriya. As a matter of fact, the varna System divided the society in the abovementioned broad four groups predicated on their occupations. Over the time, this varna system turned into more rigid and crueler Jati (meaning birth) system, where fate of the individual's future occupation and social status would be decided by his birth. This caste system further crystalized when the society adopted endogamous marriages strictly excluding the spouse from other castes, where purportedly lower caste men were not allowed to marry higher caste women and when supposedly higher caste men develop physical relationship with lower caste women, the children sired from that relationship could not get the status of higher caste.

## Origin of Caste System And Contemporary Manifestations

The word Caste came into Indian lexicon through Portuguese colonial rule. British colonial rulers adopted and effectively injected the term in British India describing the then prevalent varna system. The Spanish originated word 'Casta' means lineage or stock and in Indian context it became birth-bound community.<sup>1</sup> British started caste census from 1881 and continued it at regular intervals of ten year till 1931. A caste census is essentially the inclusion of caste-wise tabulation of the population in the census exercise. It would involve collecting data on the distribution and socio-economic conditions of different caste groups, which could be used to formulate informed policy decisions proposing affirmative action to provide social justice. The 1881 census recorded 2,500 castes and by 1931 they increased upto 3,000. After India's independence, the caste census was discontinued, with the first census in 1951 was only counting SCs, STs, and religious groups abandoning the enumeration of other castes. Since

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<sup>1</sup> [https://www.indiatoday.in/education-today/gk-current-affairs/story/how-spanish-word-caste-gave-rise-to-indias-caste-system-under-british-rule-2739101-2025-06-11?utm\\_source=washare&utm\\_medium=socialicons&utm\\_campaign=shareurltracking](https://www.indiatoday.in/education-today/gk-current-affairs/story/how-spanish-word-caste-gave-rise-to-indias-caste-system-under-british-rule-2739101-2025-06-11?utm_source=washare&utm_medium=socialicons&utm_campaign=shareurltracking)

then, the government of India has focused on counting SCs and STs, while states were allowed to create their own lists of OBCs. In the 2011 Socio Economic and Caste Census (SECC) the caste data of all the castes was collected, but not fully released for public scrutiny. Anyhow, now Central Government decided to continue the old practice, i.e., caste-based census.

The caste system categorizes every individual by his birth and provides his status in the society and opportunities he could avail throughout his life, leading to systematic exclusion and deprivation for lower castes, particularly Scheduled Castes (SCs) and Scheduled Tribes (STs)<sup>2</sup>. The most abominable caste-based discrimination manifests viciously in multiple spheres, employment, education, public services and personal matrimonial relationships or participating social and cultural functions. The surnames or end names of the people indicate the community they belong to, the full names of SC/ST reveal his caste and become the open invitation for discrimination of all sorts. The employment recruiting agencies in public and private sector comprised of upper caste personnel and the biased procedures they adopt limit the employment opportunities of SC/ST reflecting the absence of presence of these marginalized castes in higher positions like Governors, Vice-chancellors, professors, heads of the institutions, all-powerful bureaucratic top ranks etc. Often, the members of SC/ST are forced to take up poorly paid, dead-end jobs having no career prospects, promotions, or wage increases and surprisingly menial toilet cleaning jobs, sweeping, dusting etc. are exclusively reserved for these castes. In rural areas, caste discrimination stares more blatantly, with SC/STs face segregation in housing, denial of shared resources and exclusion from social and economic participation. The rural areas consisting of the higher share of marginalized castes have reduced access to public school, contributing to persistent gaps in educational outcomes.<sup>3</sup>

On the surface, the country pretends to be the society liberated from caste discrimination, but just scratching the surface, the hydra-headed caste prejudices show their ugly teeth. Notwithstanding constitutional and legal prohibitions, caste discrimination persists overtly and covertly.

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<sup>2</sup> Mosse, D. (2018). Caste and development: Contemporary perspectives on a structure of discrimination and advantage. *World Development*. <https://doi.org/10.1016/J.WORLDDEV.2018.06.003>.

<sup>3</sup> Bailwal, N., & Paul, S. (2021). Caste Discrimination in Provision of Public Schools in Rural India. *The Journal of Development Studies*, 57, 1830 - 1851. <https://doi.org/10.1080/00220388.2020.1862796>.

## Constitutional Framework and Legal Evolution

The Constituent Assembly headed by Dr. B.R. Ambedkar, perceived the deep-rooted nature of caste-based inequality and captured its multifaceted impact in social, economic, cultural and political life of the country. To eradicate caste discrimination from its roots, the Constitution scripted strong anti-discrimination provisions in the Constitution. The fundamental rights under part – III of the Constitution prescribed for positive affirmation for economic, political and social justice to the marginalized sections and upliftment of whole society. These Articles were designed to ensure substantive equality and social justice, moving beyond formal equality to address structural disadvantages. With the passage of time, the interpretation of these article has been expanded and refined and amendments have been made in Constitution as and when necessity arose, reflecting an evolving understanding of social justice.<sup>4</sup>

The Indian Constitution enshrines the principle of equality as a cornerstone of its legal framework. Article 14 guarantees equality before the law and equal protection of the laws to all persons, ensuring that no individual is denied legal equality on any ground. Article 15 explicitly prohibits the State from discriminating against any citizen on grounds of religion, race, caste, sex, or place of birth, while Article 15(1) and 15(2) collectively aim to eliminate discriminatory practices in public life and access to public places, while Article 15(3) and 15(4) allow for special provisions and affirmative action to benefit women, children and socially and educationally backward classes, including SC/ST. Article 16 mandates Equality of opportunity in matters of public employment, while Article 16(4) and 16(4A) allow for special provisions and affirmative action for reservation of appointment in public service posts and promotions during their tenure to benefit SC/ST categories. Article 17 of the Constitution abolishes the most abominable practice of untouchability and make its practice punishable. The Directive Principles of State Policy found its place in Part IV of the Constitution extended the scope of further eliminating the discrimination to SC/ST sections by incorporating Article 38 and 46. That Article 38 envisages that State shall strive to minimize the inequalities in income and endeavour to eliminate inequalities in status. That Article 46 addresses the issue of promotion of educational and economic interests of Scheduled Castes and Scheduled Tribes and other weaker section. The directive principles of state policy persuade the State to evolve such policies to advance the cause of marginalized sections acknowledging the limit that those

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<sup>4</sup> Harugade, D. (2024). The Development of Reservation Policies Under Article 15 of the Indian Constitution and Social Justice in India. *International Journal For Multidisciplinary Research*. <https://doi.org/10.36948/ijfmr.2024.v06i04.25861>.

policies are not justiciable in the court of law unlike fundamental rights. That Article 341 and 342 of the Constitution vest the power with the President of India to promulgate orders specifying the castes, races or tribes or parts of or groups within the castes, races or tribes which shall be deemed to be Scheduled Castes and Scheduled Tribes for the purpose of the Constitution.

Close on the heels of enactment of the Constitution of India, the Parliament of India passed the Protection of Civil Rights Act, 1955 with the objectives to abolish and penalize the practice of untouchability and all forms of discrimination arising from it, ensuring equal civil rights for all citizens regardless of caste. It addresses both direct and indirect forms of caste-based exclusion and humiliation. It seeks to provide legal remedies for victims of caste-based discrimination including denial of access to public places, services, and facilities on the grounds of untouchability and promote social equality.<sup>5</sup>

That after a long gap of 39 years, as the country still perceived the persistent discrimination and violence against SC/STs, passed the very important piece of legislation, i.e., SC and ST (Prevention of Atrocities) Act, 1989 with the primary objective to protect the most marginalized section of Indian Society, i.e., S.C/S.T from discrimination, violence and atrocities. The Act aims to prevent offenses committed against these groups, ensure their dignity, and provide them with legal remedies and protection against social exclusion and exploitation. The Act covers a wide range of offenses, including physical violence, social and economic boycotts, denial of access to resources, and other forms of humiliation and discrimination specifically targeted at SCs and STs. It also provides for special courts and stringent punishments to ensure speedy justice and deterrence. The Act applies to all persons, regardless of their status, who commit atrocities against members of SCs and STs.<sup>6</sup> The Act is considered one of the most ambitious hate crime laws globally, with comprehensive provisions addressing various forms of caste-based violence and discrimination. It created mechanisms for victim protection, witness safeguarding, and the establishment of special courts for expeditious trials. Amendments and rules, such as the 2018 amendment and the SC/ST (POA) Rules, 1995, have bolstered its provisions. The Act provides a legal framework for victims to

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<sup>5</sup>S., A., Ganesan, D., Kothari, J., Jayalakshmi, I., Balu, K., & C., P. (2020). Tackling Caste Discrimination Through Law: A Policy Brief on Implementation of Caste Discrimination Laws in India. . <https://doi.org/10.54999/gjpk8801>.

<sup>6</sup>Acharya, P., & Acharya, P. (2020). An Analysis of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3732709>.

seek justice, including the right to file complaints, access to legal aid, and protection from intimidation or retaliation. It mandates prompt investigation and prosecution of offenses, aiming to break the cycle of impunity for caste-based crimes.<sup>7</sup>

A significant section of SCs from generations were forced to take up uniquely featured inhuman occupation of manual scavenging in the rural India. The system never treated them as human beings, practiced naked form of untouchability, not allowed them living in villages by pushing them to outskirts, excluding them using community drinking wells, attending schools and availing similar public facilities. The Parliament passed the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 after replacing the earlier Act, i.e., the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 with the objective to eliminate manual scavenging, rehabilitate the affected individuals, uphold human dignity and alleviate social and economic ostracization. This Act applies to urban as well as rural areas.<sup>8</sup>

Caste discrimination has been dealt with in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and unfortunately the convention treated the caste-based discrimination practiced in India equal to ‘descent-based’ or ‘race-based’ discrimination prevalent in western countries. This approach is egregious because it fails to capture the full complexity of caste, especially its religious, cultural and social dimensions, because the indignity perpetrated against the SC/ST is unique, stand-alone, unimaginably inhuman, and incomparable to racial discrimination. In U.K., Equality Act, 2010 deals with racial discrimination and there is no explicit legislation to deal with the caste discrimination. This piece of legislation is extrapolated to Scheduled Castes by virtue of ratio laid down in *Tirkey V Chandok* treating caste discrimination equivalent to race discrimination. In US also, in the absence of any legislation specially coping with caste discrimination, under ‘Title VII of Civil Rights Act’, it is treated as ‘racial discrimination’ based on ratio laid down in *Cisco case*.<sup>9</sup>

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<sup>7</sup>Bharas, C., Verma, P., Chandra, S., Verma, D., & Karuna, V. (2024). Legal and Social Safeguards Against Caste-Based Atrocities: A Critical Analysis of Victims’ Rights and Remedies in India. *Educational Administration: Theory and Practice*. <https://doi.org/10.53555/kuey.v30i1.8718>.

<sup>8</sup>Dhivya, R., & Rao, B. (2024). NAVIGATING REHABILITATION OF MANUAL SCAVENGERS WITH REFERENCE TO MEASURES UNDER THE THE EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT, 1993 & THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION. *ShodhKosh: Journal of Visual and Performing Arts*. <https://doi.org/10.29121/shodhkosh.v5.i4.2024.4808>.

<sup>9</sup>Waughray, A. (2022). Capturing Caste in Law. . <https://doi.org/10.4324/9781315750934>.

## Implementation Failures and Systemic Challenges

Despite 75 years passed since the enactment of Constitution followed by several aforesaid legislations, the discrimination against SCs and STs still prevail in the society. It is palpable at every moment and on every occasion. The persistent biases in the society, political indifference and judicial delays are the prominent reasons for this failure.

Aforesaid legal mechanisms empower victims to seek justice and assert their rights, paving the path for social change. Some of the legislations incorporated criminal provisions for practicing caste-based discrimination, prescribing adequate sentences, to deter the potential offenders. The awareness of legal rights available under the statutes embolden the marginalized sections to mobilize and assert their rights through public demonstrations. These sections also join social reform movements, who show solidarity with them, to realize their demands and effective enforcement of their rights and further reforms to alleviate their situation.

The persistent societal biases, political indifferences, the prejudices of the institutions particularly by the heads of those institutions, judicial delays derail the protections provided by the legislations. The subdued and subjugated vulnerable sections cannot have access to the police stations and courts of law for variety of reasons and even if they approach these institutions surmounting great challenges and risks, the apathy displayed by the officials of these institutions and societal acceptance of discriminatory practices, in general, discourage them.

Deep-rooted caste-based discrimination is entrenched in social attitudes. This gives scope for the higher castes to persistently practice caste discrimination and untouchability, without moral compass, despite legal prohibitions. Biases appear at every moment from everywhere, in schools where they study, in offices where they work, in colonies where they live and in social relations with whom they tie up.

Registering FIR becomes a nightmare for these disadvantaged sections. The police officials deal with registering cases and conducting investigations, normally do not belong to these marginalized sections, and hence, discourage the complainants to lodge complaints, apprising them of the risks involved to contest these cases against higher caste people, protracted litigation process in courts of law, and slim chances of getting justice. The overburdened courts, heavy caseloads, shortage of judges, caste bias of judges, long adjournment dates,

procrastinated court proceedings, inadequate facilities in the courts, high-handed behaviour of court staff etc. create cumulative disadvantage to marginalized sections to opt for legal process. During this entire process, the victims often face police indifference and sometimes even hostility on account of their own caste biases.<sup>10</sup> Inadequate training, lack of training and lackluster investigations of law enforcement authorities result into poor conviction rates in caste-based crimes. Starting from the registering the complaint, victims face intimidation or retaliation from the accused. In the rural areas, these complaints become trigger to most heinous crimes of rapes and murders, generation after generation.

Despite comprehensive constitutional and legislative protections, caste-based discrimination and violence remain widespread in India. The National Crime Record Bureau reported over 50,000 cases of atrocities against SC/ST in 2022, highlighting the persistent gap between legal safeguards and ground realities.<sup>11</sup> The total crimes /atrocities against SCs is increasing every year and in 2020 is 50,291 and marginally increased to 5090, but in 2022 it increased to 57,582, whereas U.P. is in top rank with 15,368 cases in 2022, next to it Rajasthan with 8,752 and MP ranks third with 7,733. Comparing it with state population, Rajasthan ranks no.1 with 71.6 crime rate, followed by M.P. with 68.2 rank and UP captures third position with 37.2 crime rate of this sort.

Surprisingly, the marginalized North-Eastern States like Arunachal Pradesh, Manipur, Meghalaya and Nagaland, struggling to join mainstream display ‘nil’ crimes of this sort. The marginalized sections are less in number in this region may be the reason of low rate of crimes.

**Crime/Atrocities against Scheduled Caste(s) - 2020-2022**

**TOP THREE STATES**

SL	State/UT	TOP THREE STATES			Actual Population of SCs (in Lakhs)	Rate of Total Crime against SCs	Characterizing Rate
		2020	2021	2022			

<sup>10</sup> Bharas, C., Verma, P., Chandra, S., Verma, D., & Karuna, V. (2024). Legal and Social Safeguards Against Caste-Based Atrocities: A Critical Analysis of Victims’ Rights and Remedies in India. *Educational Administration: Theory and Practice*. <https://doi.org/10.53555/kuvey.v30i1.8718>.

<sup>11</sup> <https://www.ncrb.gov.in/crime-in-india-year-wise.html?year=2022&keyword=>

				(2011)	(2022)	(2022)
Uttar Pradesh	12714	13146	15368	413.6	37.2	84.9
Rajasthan	7017	7524	8752	122.2	71.6	45.9
Madhya Pradesh	6899	7214	7733	113.4	68.2	99.5
<b>TOTAL ALL INDIA</b>	<b>50291</b>	<b>50900</b>	<b>57582</b>	<b>2013.8</b>	<b>28.6</b>	<b>79.9</b>

Table 1

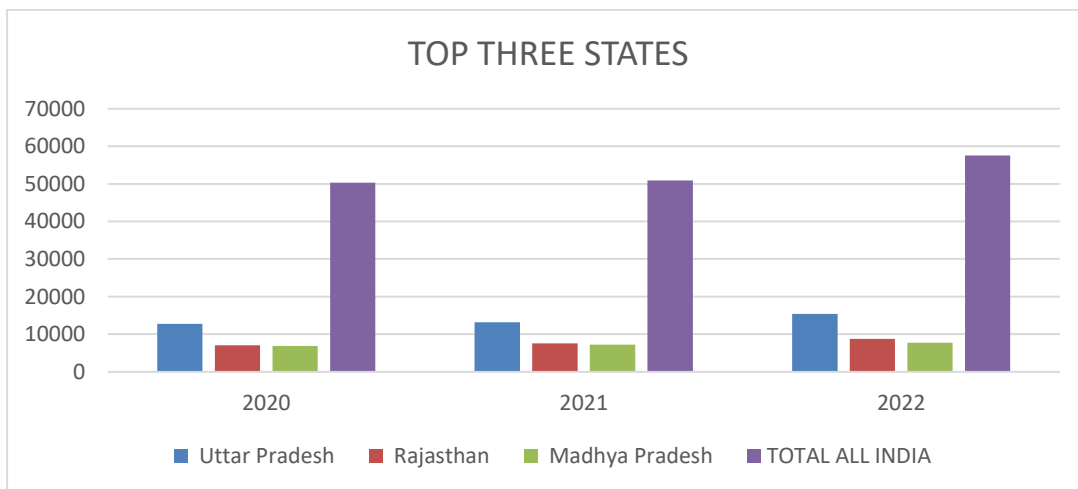


Table 2

SL	State/UT	2020	2021	2022	Actual Population of SCs (in Lakhs) (2011)	Rate of Total Crime against SCs (2022)	Chargesheeting Rate (2022)
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**BOTTOM THREE STATES/UNION TERRITORIES**

Arunachal Pradesh	0	0	0	0.0	-	-
Manipur	0	0	0	1.0	0.0	-
Meghalaya	0	0	0	0.2	0.0	-
Nagaland	0	0	0	0.0	-	-

Table 3

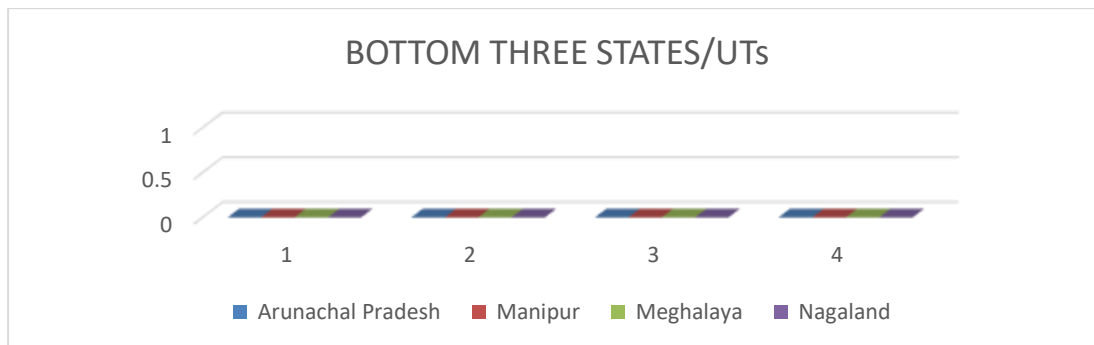


Table 4

## Conclusion

Multidimensional reforms have to be adopted by the State, its institutions, NGOs and civil society to eliminate untouchability and associated discrimination. The specialized police training to sensitize officers to caste issues to be introduced in police academy curriculum. A mechanism shall be evolved to hold police accountable for negligence or misconduct in handling caste atrocity cases. The State must initiate robust victim rehabilitation programmes, where adequate compensation and quick rehabilitation should be provided to victims and continue them till, they feel secure. The State must evolve a method for rigorous monitoring and evaluation of legislations related to caste-based discrimination and violence, meticulous data collection, transparent reporting, and accountability mechanisms. The SC/ST constitutional bodies initiate for policy innovations to address discrimination in both formal and informal sectors, especially in private employment and urban markets and formulate schemes to remove barriers to opportunity and ensure affirmative action plans based on new economic world order. The deep-seated social prejudices can be combated by effective public awareness campaigns promoting equality. Inter-caste marriages shall be promoted and such couples shall be given priority in public employments, government housing schemes, public sector bank loans to set up their own start-up companies. Reforms should provide higher education opportunities and higher positions in Government Institutions and Universities for marginalized castes to overcome less visible forms of discrimination. Establishing fast-track courts dedicated to caste-based atrocity cases reduce judicial delays. These courts are designed to prioritize and swiftly resolve cases, providing timely justice and enhancing the deterrent effect of the law. Judges in these courts should receive training on the complexities of caste

discrimination to ensure fair and informed adjudication.<sup>12</sup>

To eliminate or reduce caste discrimination in the society a multidimensional policy is required to be adopted comprising police training, fast-track courts and improved administrative procedures.



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<sup>12</sup> Bharas, C., Verma, P., Chandra, S., Verma, D., & Karuna, V. (2024). Legal and Social Safeguards Against Caste-Based Atrocities: A Critical Analysis of Victims' Rights and Remedies in India. *Educational Administration: Theory and Practice*. <https://doi.org/10.53555/kuey.v30i1.8718>.