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UNTOUCHABILITY IN INDIA: LAW, SOCIETY, AND SOCIAL JUSTICE — A SOCIO-LEGAL ANALYSIS

AUTHORED BY - ALWIN VIJAY S
LAW STUDENT, VISTAS CHENNAI

CO-AUTHOR - B. MATHANACHANDIRAN
ASSISTANT PROFESSOR, VISTAS CHENNAI

Abstract

Untouchability remains one of the most persistent forms of caste-based discrimination in India, despite its constitutional abolition. This article examines the issue through a socio-legal lens, analysing constitutional provisions, legislative frameworks, judicial responses, and ground realities. It highlights the gap between law and implementation and explores socio-economic and cultural factors sustaining discrimination. The article argues that legal measures alone are insufficient and calls for a multi-dimensional approach combining legal enforcement, social reform, and economic empowerment.

1. Introduction

Untouchability represents a deeply rooted social injustice embedded in India's caste system. Historically imposed on communities now recognized as Scheduled Castes (Dalits), it involves exclusion from social, economic, and religious life. Practices such as denial of temple entry, segregation, and restricted access to public resources reflect its severity. The Constitution of India sought to dismantle this system by guaranteeing equality and explicitly abolishing untouchability under Article 17. Subsequent legislation, including the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, aimed to operationalize these guarantees. However, the persistence of discrimination highlights a crucial contradiction: **legal abolition has not translated into social eradication**. This article examines this gap and evaluates the effectiveness of legal safeguards.

2. Historical and Sociological Background

The caste system originated from the early varna structure, which later evolved into a rigid hereditary hierarchy. Over time, certain groups were categorized as “untouchables” and excluded entirely from the social order. Religious texts and socio-economic structures reinforced this hierarchy, linking caste with occupation and purity. These practices led to systemic marginalization, restricting access to education, resources, and opportunities. Social reformers such as Jyotirao Phule, Mahatma Gandhi, and Dr. B.R. Ambedkar challenged these inequalities. Ambedkar, in particular, emphasized legal reform and was instrumental in embedding anti-discrimination principles in the Constitution. Despite these efforts, caste discrimination continues in modern society, especially in rural areas, though often in subtle forms in urban settings.

3. Constitutional and Legal Framework

3.1 Constitutional Safeguards

The Constitution provides a strong legal foundation against untouchability:

- **Article 14** – Equality before law
- **Article 15** – Prohibition of caste-based discrimination
- **Article 16** – Equality in public employment
- **Article 17** – Abolition of untouchability
- **Article 21** – Right to life with dignity

Additionally, **Article 46** directs the State to promote the welfare of Scheduled Castes and protect them from exploitation.

3.2 Legislative Measures

Protection of Civil Rights Act, 1955

This Act criminalizes the practice of untouchability and ensures equal access to public spaces and services. However, its impact has been limited due to weak enforcement and low conviction rates.

SC/ST (Prevention of Atrocities) Act, 1989

This law provides stronger protection by:

- Defining specific caste-based offenses
- Establishing Special Courts
- Providing victim compensation and rehabilitation

It represents a shift from mere prohibition to **active protection against violence and exploitation.**

4. Judicial Response and Case Analysis

The judiciary has played a pivotal role in interpreting and enforcing anti-discrimination laws. In *State of Karnataka v. Appa Balu Ingale*, the Supreme Court condemned untouchability as a violation of fundamental rights. Similarly, in *Safai Karamchari Andolan v. Union of India*, the Court addressed manual scavenging and emphasized rehabilitation and dignity. Through Public Interest Litigation (PIL), courts have expanded access to justice and strengthened enforcement mechanisms. However, judicial intervention alone cannot ensure social transformation without effective implementation.

5. Law vs Ground Reality

Despite comprehensive legal safeguards, untouchability persists due to several factors:

5.1 Social and Cultural Barriers

Deep-rooted beliefs in caste hierarchy and purity continue to influence behavior, especially in rural areas.

5.2 Economic Dependency

Marginalized communities often depend on dominant castes for livelihood, discouraging resistance to discrimination.

5.3 Lack of Awareness

Limited legal literacy prevents individuals from asserting their rights.

5.4 Administrative Inefficiency

Weak enforcement, delayed trials, and low conviction rates undermine legal effectiveness.

5.5 Underreporting of Cases

Fear of retaliation and social stigma discourage victims from seeking justice.

6. Sociological Impacts

Untouchability has far-reaching consequences:

- **Social exclusion** and marginalization
- **Economic inequality** and poverty
- **Restricted social mobility**
- **Psychological trauma** and loss of dignity

- **Gender-based vulnerability** for Dalit women

7. Need for a Multi-Dimensional Approach

The eradication of untouchability requires more than legal measures. Key strategies include:

- Strict enforcement of laws
- Legal awareness and education
- Economic empowerment programs
- Social reform and attitude change
- Active role of civil society and institutions

8. Conclusion

India has established a robust legal framework to eliminate untouchability, reflecting a strong commitment to equality and social justice. However, the persistence of caste-based discrimination reveals the limitations of law in transforming deeply entrenched social practices. True eradication requires a holistic approach that integrates legal enforcement with social change and economic development. Achieving this goal is essential for realizing the constitutional vision of dignity, equality, and justice for all.

Footnotes

1. Constitution of India, Article 17.
2. Protection of Civil Rights Act, 1955.
3. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. State of Karnataka v. Appa Balu Ingale, AIR 1995 SC 112.
5. Safai Karamchari Andolan v. Union of India, (2014) 11 SCC 224.
6. Constitution of India, Articles 14–16.
7. Government of India, Reports on SC/ST Welfare.
8. B.R. Ambedkar, *Annihilation of Caste*.
9. National Crime Records Bureau (NCRB), Reports on Atrocities Against SC/STs.
10. Sociological studies on caste discrimination and social exclusion in India.