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## Indian jails: Prisoners of the caste system



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In December 2020, as the world grappled with unequal access to Covid-19 vaccines, another form of inequality was exposed inside India's prisons. A journalist, Sukanya Shantha, reported how caste, outlawed by the Constitution, still dictated every aspect of prison life — who scrubbed floors and cleaned toilets, who ate first, and who slept in which barracks.

Upper-caste prisoners were given better-quality food while lower-caste prisoners received inferior meals. Members of de-notified tribes were branded “habitual offenders”, punished more harshly, and denied basic rights.

Prison registers listed caste as a matter of record, and manuals sanctioned segregation and menial labour. The West Bengal prison manual specified that prisoners assigned sweeping duties should come from the “Mehtar, Harijan, Chandal, or similar castes”.

These practices were rooted in the disgraceful Prisons Act of 1894 that treated caste not as a vanishing social relic but as an administrative category. As recorded in an 1861-62 report by the British administration on Lucknow Central Jail, only Brahmin inmates were allowed to bathe before their meals that were served in a segregated area, which others were not allowed to access. At that time, segregation was not pilloried as antithetical to reformation. It ended up fostering animosity.

What is appalling is not just the existence of these rules, but also their longevity. If the Constitution of India expressly protects fundamental rights of all citizens — equality before law (Article 14), prohibition of discrimination on grounds of caste (Article 15), abolition of untouchability (Article 17), protection of life (Article 21), and prohibition of forced labour (Article 23) — then why and how did these practices continue unnoticed for 70 years since the Constitution came into force.

The first to take notice of Shantha's findings was the Jodhpur bench of the Rajasthan High Court, which took *suo motu* notice and directed the state to undertake a thorough revision of its prison manual. Within seven weeks, the State of Rajasthan was compelled to repeal the obsolete and inhuman prison rules.

Soon, other high courts began taking note, directing similar action.

Across the country, unconstitutional practices persisted. In just the 10 states — Punjab, Tamil Nadu, Haryana, West Bengal, Rajasthan, Bihar, Maharashtra, Karnataka, Uttar Pradesh, and Madhya Pradesh — the lives of more than 3,50,000 inmates remained at the mercy of superintendents, their fates decided by the notorious “caste column” in official records.

Responding to a PIL in the Supreme Court, a bench headed by then CJI DY Chandrachud demanded an explanation from the Centre and various state governments. Senior advocate S Muralidhar, former chief justice of the Odisha High Court, exposed the grim reality — caste-based labour assignments, segregated food arrangements, barrack segregation, and punitive provisions targeting de-notified tribes, each in contravention of the Model Prison Manual.

In a seminal verdict (*Sukanya Shantha vs Union of India, 2024*), the Court declared caste-based discrimination in state prison manuals violative of fundamental rights and ordered a comprehensive overhaul of prison rules. The judgment also directed the removal of caste columns and references from prisoners’ registers, both for undertrials and convicts.

The verdict underscored the Constitution’s emancipatory ethos, serving as a bulwark against centuries-old hierarchies of purity and pollution.

The moral failings are stark: If prisoners from certain castes are assigned “unclean” tasks, it reflects a failure of the prison system; if de-notified tribes are branded “habitual offenders,” it reflects a failure of the State machinery; and if prison registers still have columns for caste, it reflects a failure of our collective moral conscience.

The Court’s judgment affirms that prisons exist to reform, not humiliate. Yet caste-based hierarchies have survived for generations, a silent nod of institutional complacency, cloaked in bureaucratic plausible deniability. Both before and after Independence, the machinery meant to uphold justice failed the very people it was meant to protect.

The question is not whether caste hierarchies exist in prisons (they do) but whether the administration will confront its own complicity. The legal battle may have reached a decisive point, but the struggle to create truly caste-free prisons in India is just beginning.

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