



## CASTE RULES IN JAIL MANUALS

**SOCIAL  
JUSTICE**

### Why in news?

THE SUPREME Court last week struck down a bunch of rules in several state prison manuals, saying they “reinforce caste differences” and target members of marginalized communities, especially those dubbed as “criminal tribes” in the colonial era.

### Background:

The **Supreme Court’s** decision came on a petition filed by journalist Sukanya Shanta, who pointed out discriminatory rules in prison manuals in several states.

### Verdict of the SC:

- The Supreme Court has declared all such provisions and rules unconstitutional and directed states and Union Territories to revise their prison manuals within three months.
- It has also directed the Centre to make necessary changes to address caste discrimination in **the Model Prison Manual, 2016, and the draft Model Prisons and Correctional Services Act, 2023**, within the same period.

### Background

#### Colonial legacy and the Criminal Tribes Act

- **The Criminal Tribes Act of 1871** allowed the British Raj to declare any community as a “**criminal tribe**” if its members were deemed to be “addicted to systematic commission of non-bailable offences”.
- As a result, several tribes were forced to settle in designated locations, and they faced severe restrictions based on stereotypical assumptions about “born criminals”, including the threat of arrest without a warrant.

- After multiple changes, the Act was repealed in 1952, and the former “criminal tribes” became known as “**denotified tribes**”.
- The court used the example of Madhya Pradesh, where “any member of a **denotified tribe** may be treated as a habitual criminal, subject to the discretion of the State Government” **under Rule 41**.

### Key highlights of the Judgement:

#### 1. Manuals reinforcing caste prejudices and stereotypes:

- The manuals assigned prison work in ways that “perpetuate caste-based labour divisions and reinforce social hierarchies”.
- For instance, **under the Madhya Pradesh Jail Manual, 1987**, prisoners from the **Mehtar caste**—a Scheduled Caste community—are specifically assigned the work of cleaning the latrines.
- Similarly, under **the West Bengal Jail Code Rules, 1967, Rule 741** dealing with ‘**Sickness in cells**’ states: “Food shall be cooked and carried to the cells by prisoner cooks of suitable caste, under the superintendence of a jail officer”.

#### 2. Fundamental rights of prisoners violated

The courts aid the rules violated several fundamental rights guaranteed under the Constitution.

#### RIGHT TO EQUALITY (ARTICLE 14):

- The court held that caste can only be used as a ground for classification “as long as it is used to grant benefits to the victims of caste discrimination”, and would otherwise “reinforce caste differences or animosity that ought to be prevented at the first place”.
- This would deny some incarcerated individuals “equal opportunity to be assessed for their correctional needs, and consequently, opportunity to reform”.

#### ❖ RIGHT AGAINST DISCRIMINATION (ARTICLE 15):

- The court held that the manuals both **directly and indirectly discriminated against marginalized communities**—
- ✓ directly through the assignment of tasks such as cleaning and sweeping to the marginalised castes, and cooking to the “forward” castes; and

- ✓ indirectly by perpetuating the stereotype that “people from these communities are either incapable of or unfit for more skilled, dignified, or intellectual work”.
- ❖ **ABOLITION OF UNTOUCHABILITY (ARTICLE 17):**
  - **Uttar Pradesh rule** that allows convicts to perform “**duties of a degrading or menial character**” if they belong to “a class or community accustomed to perform such duties”.
  - “the notion that an occupation is considered as “degrading or menial” is an aspect of the caste system and untouchability”.
- ❖ **RIGHT TO LIFE WITH DIGNITY (ARTICLE 21):**
  - The right to life with dignity under Article 21 “envisages the growth of individual personality” and “provides for the right to overcome caste barriers as a part of the right to life of individuals from marginalized communities”.
  - Some rules in the prison manuals, however, “restrict the reformation of prisoners from marginalized communities” and “deprive prisoners from marginalized groups of a sense of dignity and the expectation that they should be treated equally”, violating this right.
- ❖ **PROHIBITION OF FORCED LABOUR (ARTICLE 23):**
  - The court held that “imposing labour or work, which is considered impure or low grade, upon the members of marginalized communities amounts to “**forced labour**” under **Article 23**.”

Source: EI