



Caste Based Discrimination in Indian Prisons

For Prelims: [Supreme Court of India](#), [Public Interest Litigation](#), [Chief Justice of India](#), **Prisons Act of 1894**, [Manual Scavenging](#), [Model Prisons Act, 2023](#)

For Mains: Issues Related to Prisons in India, Impact of various caste-based discriminatory practices prevalent in the society, Caste System

Source: TH

Why in News?

The [Supreme Court \(SC\) of India](#) recently issued notice to the Centre and 11 states on a [public interest litigation \(PIL\)](#) that alleged [caste-based discrimination](#) and **segregation of prisoners in jails** and sought a direction to repeal provisions that mandate such practices under the state prison manuals.

What are the Instances of Caste Based Discrimination Highlighted by the PIL?

- **Instances of Discrimination:**
 - The PIL exposes instances from Madhya Pradesh, Delhi, and Tamil Nadu jails where **cooking is allocated to dominant castes**, while **"specific lower castes" are assigned menial jobs** such as sweeping and cleaning toilets.
 - The Prison system in India is alleged to perpetuate discriminatory practices, including the division of labour based on **caste hierarchy and the caste-based segregation of barracks.**
 - Caste-based labour distribution is deemed a relic of colonial India and is considered humiliating and unhealthy, violating the prisoners' right to life with dignity.
- **State Prison Manual Sanctions:**
 - The petition claims that prison manuals in various states sanction caste-based discrimination and forced labour within the prison system.
 - **Rajasthan Prison Rules 1951:**
 - Assignment of **Mehtars to latrines and Brahmins to kitchens** based on caste.
 - **Palayamkottai Central Jail in Tamil Nadu:**
 - The petition highlights the caste-based segregation of inmates in Palayamkottai Central Jail in Tamil Nadu, pointing to the separation of **Thevars, Nadars, and Pallars into different sections.**
 - **West Bengal Jail Code:**
 - Directs menial tasks like sweeping to prisoners from the **Mether or Hari caste, Chandal, and other castes.**
- **2003 Model Prison Manual Guidelines:**
 - The petition refers to the **2003 Model Prison Manual**, emphasizing guidelines for **classification based on security, discipline, and institutionalized programs.**
 - It argues against any classification based on socio-economic status, caste, or class.
- **Fundamental Rights:**

- The petition argues that a **person does not lose fundamental rights or the equality code** merely for being a prisoner, citing the Supreme Court's judgment in the **Sunil Batra v. Delhi Administration (1978) case on the fundamental rights of prisoners.**
- **Call for Repeal of Discriminatory Provisions:**
 - The petition emphasises the need to **repeal discriminatory provisions in state prison manuals**, advocating for the protection of prisoners' fundamental rights and equality within the prison system.

What are the Supreme Court's Observations on Caste Discrimination in Prisons?

- Three-judge Bench, headed by the **Chief Justice of India**, finds that prison manuals in over 10 states support caste-based discrimination and forced labour.
 - States include Uttar Pradesh, Odisha, Jharkhand, Kerala, West Bengal, Madhya Pradesh, Andhra Pradesh, Maharashtra, Telangana, Punjab, and Tamil Nadu.
- Caste-based discrimination, segregation, and treatment of **denotified tribes** as **"habitual offenders"** within prisons are deemed a **"very important issue"** by the SC.
 - SC emphasized the **need for prompt and comprehensive addressing** of alleged discriminatory practices.
- The SC sent a notice and asked for a response from the States and the Union within four weeks on the petition.

How do the Laws Allow Caste Discrimination Inside Indian Jails?

- **Legacy of Colonial Policies:**
 - India's criminal justice system, rooted in **colonial legacy**, primarily focuses on **punishment rather than reformation or rehabilitation.**
 - The **'Prisons Act of 1894,'** dating back almost 130 years, underscores the outdated nature of the legal framework.
 - The Act lacks provisions for the **reform and rehabilitation of prisoners.**
 - Recognizing the deficiencies in existing laws, the Ministry of Home Affairs (MHA) reviewed **'The Prisons Act, 1894,' 'The Prisoners Act, 1900,' and 'The Transfer of Prisoners Act, 1950.'**
 - This review led to the assimilation of relevant provisions into the forward-looking **'Model Prisons Act, 2023.'**
 - The effective implementation of the **Model Prisons Act, 2023** which was finalized by the MHA in May 2023, is **expected to improve the prison conditions and administration** and protect the human rights and dignity of the prisoners.
- **Prison Manuals:**
 - State-level prison manuals, largely unchanged since the establishment of the modern prison system, reflect both colonial and caste mentalities.
 - Existing prison manuals **enforce the central premise of the caste system**, emphasizing notions of purity and impurity.
 - State prison manuals mandate that duties like cleaning and sweeping must be performed by members of specific castes, perpetuating caste-based discrimination.
 - Prison manuals, such as the one in West Bengal under Section 741, safeguard the monopoly of "savarna Hindus" on cooking and carrying food for all prisoners.
 - Despite constitutional and legal provisions against untouchability, caste-based rules persist in prison administration.
- **The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013):**
 - Despite the outlawing of **manual scavenging** by the 2013 Act, it does not explicitly cover prison administration, and hence, the prison manuals that **allow caste discrimination and manual scavenging in jails** are not in violation of the Act.
 - Manual scavenging refers to the practice of manually cleaning, handling and disposing of human excreta and other waste materials from dry latrines, open

drains, and sewers.

Way Forward

- The states should adopt the **Model Prison Manual of 2016** released by the Ministry of Home Affairs based on the **Nelson Mandela Rules in 2015**.
 - The **United Nations General Assembly** adopted the Nelson Mandela Rules in 2015, emphasizing **dignity and non-discrimination for all prisoners**.
- Courts should **consider judicial intervention to strike down discriminatory provisions**, ensuring the protection of fundamental rights and promoting equality within the prison system.
- Establish **robust monitoring mechanisms** to track progress in implementing reforms, holding authorities accountable for creating a more equitable prison system.

UPSC Civil Services Examination Previous Year Question (PYQ)

Mains

Q1. “Caste system is assuming new identities and associational forms. Hence caste system cannot be eradicated in India.” Comment. **(2018)**

Q2. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**

PDF Reference URL: <https://www.drishtiias.com/printpdf/caste-based-discrimination-in-indian-prisons>

