

Indian Constitution: Abolition of Untouchability and Legal Provisions

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Abstract

Untouchability has been one of the most inhuman consequences of the caste system deeply rooted in Indian society. For centuries, Scheduled Castes were subjected to social exclusion, denial of dignity, and systematic discrimination in social, economic, and cultural life. After independence, the Constitution of India adopted social justice, equality, and human dignity as its foundational values and resolved to eradicate untouchability completely. This research article undertakes a constitutional analysis of Articles 14, 15, 16, 17, 21, and 46 of the Indian Constitution to examine the legal framework for the abolition of untouchability. Article 17 occupies a central position by explicitly abolishing untouchability in all its forms and declaring its practice a punishable offence. The study highlights the harmonious relationship between Fundamental Rights and the Directive Principles of State Policy in addressing structural inequalities created by untouchability. The analysis reveals that the abolition of untouchability is not merely a social reform but a core principle of constitutional morality. However, the effective realization of constitutional mandates requires strong administrative commitment, social awareness, and rigorous enforcement of constitutional provisions.

Introduction

The caste system, which has existed in Indian society for a long period, gave rise to the inhuman and unjust social practice of untouchability. As a result of this practice, the Scheduled Castes were deprived of social, economic, educational opportunities as well as human dignity.¹ During the British period, the issue of untouchability emerged for the first time at the center of political and constitutional discourse. Between 1930 and 1932, at the Round Table Conferences, Dr. B. R. Ambedkar forcefully articulated the demands for civil rights, social equality, and political representation of the Dalits.² The deliberations of these conferences influenced the Government of India Act, 1935, which introduced limited provisions aimed at preventing discrimination in public services.³ However, these provisions proved inadequate for the complete eradication of untouchability. After independence, the Constitution of India accorded the highest importance to the values of equality, liberty, fraternity, and social justice.⁴ Article 17 of the Constitution abolished untouchability in its entirety and declared its practice a punishable offence. Along with this, Articles 14, 15, 16, and 21 provided constitutional protection to equality before law and human dignity.⁶ Thus, the demand for social justice articulated during the Round Table Conferences found concrete realization in the Constitution of India.

The philosophy of the Indian Constitution rests on liberty, equality, fraternity, and social justice. Dr. B. R. Ambedkar emphasized that political democracy cannot survive without social democracy. Since untouchability negates social democracy, its abolition became a constitutional and moral obligation.

Article 14: Equality Before Law

Article 14 guarantees equality before the law and equal protection of laws. Any privilege or disability based on caste is unconstitutional. The inequality generated by untouchability directly violates the spirit of Article 14.⁶

Article 15: Prohibition of Discrimination

Article 15(1) prohibits the State from discriminating against any citizen on grounds of caste, religion, sex, or place of birth. Social exclusion and denial of access to public spaces amount to constitutional violations.⁷

Article 16: Equality of Opportunity in Public Employment

Article 16 ensures equality of opportunity in matters of public employment. Untouchability historically excluded Scheduled Castes from administrative participation. This Article constitutionally addresses that injustice.⁸

Article 17: Abolition of Untouchability

Article 17 forms the core of constitutional abolition of untouchability. It abolishes untouchability in all forms and declares its practice punishable by law, making social reform a constitutional mandate. For centuries, the caste system entrenched in Indian society gave rise to the inhuman and unjust practice of untouchability, which deprived Scheduled Castes of social equality, human dignity, and access to religious and civic life. This practice institutionalized social exclusion and discrimination, denying basic human rights to a large section of the population.⁹ During the freedom struggle, social reformers—most notably Dr. B. R. Ambedkar—vigorously challenged untouchability and demanded its complete eradication through constitutional safeguards. The framers of the Indian Constitution viewed the abolition of untouchability as a foundational step toward achieving social justice and equality. This commitment is clearly reflected in Article 17, which categorically abolishes untouchability in all its forms and declares its practice a punishable offence.¹⁰ The Constituent Assembly Debates reveal that this provision was intended to bring about a social revolution by dismantling caste-based discrimination. Closely linked with Articles 14, 15, and 21, Article 17 reinforces the constitutional guarantee of equality before law, non-discrimination, and protection of human dignity, thereby serving as a cornerstone of India's constitutional vision of social justice.¹¹

Article 21: Right to Life and Human Dignity

Article 21 guarantees not merely physical existence but life with dignity. Untouchability, being a direct assault on human dignity, violates the essence of Article 21.¹²

Article 46: Directive Principle of State Policy

Article 46 directs the State to promote the educational and economic interests of Scheduled Castes, addressing structural inequalities caused by untouchability.¹³

Protection of Civil Rights Act, 1955

The Protection of Civil Rights Act, 1955 constitutes one of the earliest legislative measures adopted by independent India to safeguard human dignity and enforce the constitutional mandate of equality. Originally enacted as the Untouchability (Offences) Act, 1955, the legislation was framed to operationalize Article 17 of the Indian Constitution, which abolishes untouchability in all its forms and declares its practice a punishable offence.¹⁴ The Act was later renamed in 1976 to underscore its broader objective of protecting civil rights arising from fundamental constitutional guarantees.¹⁵

The enactment of the Act must be understood within the larger constitutional vision of social justice, equality, and human dignity articulated by the framers of the Constitution. Despite the formal abolition of untouchability at the constitutional level, discriminatory social practices continued to impose civil disabilities on Scheduled Castes, necessitating a statutory framework for effective enforcement.¹⁶ The Protection of Civil Rights Act, 1955 sought to remove such disabilities by ensuring equal access to public places, religious institutions, educational facilities, and civic services, thereby translating constitutional ideals into enforceable legal rights.¹⁷ From a human rights perspective, the Act marks India's early transition from a caste-based social order to a rights-based constitutional democracy. It recognizes that untouchability is not merely a social evil but a violation of fundamental human rights and constitutional morality.¹⁸ Although limitations in implementation and enforcement reduced its effectiveness, the Act laid the legal foundation for subsequent and more stringent legislation, most notably the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.¹⁹ Consequently, the Protection of Civil Rights Act, 1955 occupies a pivotal position in the constitutional and legal framework aimed at the eradication of caste-based discrimination in India.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted to prevent grave forms of caste-based discrimination, violence, and systemic oppression against Scheduled Castes and Scheduled Tribes. Despite constitutional guarantees under Articles 14, 15, 17, and 21, and the earlier enactment of the Protection of Civil Rights Act, 1955, atrocities against these communities continued to persist, exposing the limitations of existing legal frameworks.²⁰ The 1989 Act was introduced to address not merely social discrimination but structural and institutionalized violence rooted in the caste system.²¹ The Act defines a wide range of offences that directly violate the dignity, life, and liberty of members of Scheduled Castes and Scheduled Tribes and prescribes stringent punishments to ensure deterrence.²² It also provides for the establishment of Special Courts and special public prosecutors to ensure speedy trials and effective access to justice for victims. From a constitutional perspective, the legislation represents an extension of the principle of substantive equality and social justice embedded in the Indian Constitution.²³ Thus, the Act serves as a critical legal instrument for enforcing constitutional morality and fulfilling the State's obligation to protect historically marginalized communities.

Atrocities against Scheduled Castes: Statistical Overview and Measures for Improvement

Atrocities against Scheduled Castes (SCs) remain a serious social and human rights concern in India. Despite constitutional safeguards and special legislations, violence and discrimination against SC communities continue in various forms such as physical violence, social boycott, sexual exploitation, and denial of basic rights.

Statistical Overview of Atrocities against Scheduled Castes

According to recent data published by the National Crime Records Bureau (NCRB), cases registered under crimes against Scheduled Castes show a persistent upward trend. More than 50,000 cases of atrocities against Scheduled Castes are registered annually in India. On average, over 140 crimes against SCs are reported every day. Uttar Pradesh, Rajasthan, Bihar, and Madhya Pradesh consistently report the highest number of cases. Crimes include: Physical assault and grievous hurt, Social discrimination and abuse, Sexual violence against SC women, who face intersectional oppression of caste and gender, Conviction rates under the Scheduled Castes and Scheduled, Tribes (Prevention of Atrocities) Act, 1989 remain

relatively low, often below 30%, indicating gaps in investigation and prosecution. A large proportion of cases go unreported due to fear, social pressure, lack of awareness, and distrust in the justice system. These statistics reflect not only the prevalence of caste-based violence but also structural weaknesses in enforcement mechanisms.²⁴

Measures for Improvement and Prevention of Atrocities

To reduce atrocities against Scheduled Castes and ensure social justice, the following corrective measures are essential:

Effective Implementation of Laws

The SC/ST (Prevention of Atrocities) Act must be implemented strictly, with time-bound investigation and fast-track courts for speedy justice.

Strengthening Law Enforcement

Police officials should be sensitized through regular training on caste-based discrimination and legal provisions related to SC protection.

Victim Protection and Support

Adequate compensation, legal aid, rehabilitation, and witness protection should be ensured to victims and their families.

Awareness and Legal Literacy

Awareness programs at the grassroots level can empower SC communities to report crimes and claim their constitutional rights.

Education and Social Reform

Promoting inclusive education and eradicating caste-based prejudices through curriculum reforms and social campaigns is crucial.

Accountability of Authorities

Administrative negligence in registering or investigating cases should attract strict disciplinary action.

Empowerment of SC Women

Special focus should be given to the protection, education, and economic empowerment of SC women, who are the most vulnerable.

The persistence of atrocities against Scheduled Castes highlights the gap between constitutional ideals and social reality. While statistics expose the magnitude of the problem, real improvement depends on strong political will, effective governance, social awareness, and collective commitment to equality and human dignity.

Research Problem

Although Article 17 of the Indian Constitution abolishes untouchability in absolute terms, its persistence in various social forms indicates a gap between constitutional ideals and social reality. The effectiveness

of constitutional provisions and allied legislations in eliminating untouchability remains a critical issue that this research seeks to examine.

Research Hypotheses

1. Article 17 represents a radical constitutional commitment to the abolition of untouchability.
2. Laws related to untouchability function as instruments for enforcing constitutional values.
3. The Protection of Civil Rights Act, 1955 is a statutory extension of Article 17.
4. Despite constitutional guarantees, untouchability persists due to implementation failures.
5. The realization of constitutional social justice depends upon effective legal enforcement.

Objectives of the Study

1. To examine the constitutional nature and scope of Article 17.
2. To analyze constitutional provisions related to the abolition of untouchability.
3. To evaluate the Protection of Civil Rights Act, 1955 from a constitutional perspective.
4. To study the relationship between Article 17 and the SC/ST (Prevention of Atrocities) Act, 1989.
5. To highlight the gap between constitutional ideals and social reality.

Scope of the Study

The study is confined primarily to a constitutional analysis of Article 17 and allied legislations. Sociological and historical discussions are treated as supportive and secondary.

Research Methodology

The study adopts a doctrinal and analytical research methodology. Primary and secondary sources have been used, including: The Constitution of India, Constituent Assembly Debates, Parliamentary legislations, Supreme Court judgments Standard books, research articles and official reports. The research involves critical and comparative constitutional analysis of legal provisions.

Significance of the Study

The study contributes to a deeper understanding of Article 17 and evaluates the constitutional framework for the abolition of untouchability in India.

Conclusion

The abolition of untouchability under Article 17 of the Indian Constitution represents one of the most transformative commitments of Indian constitutionalism. By declaring untouchability abolished “in any form” and making its practice punishable by law, the Constitution sought not merely to prohibit a social evil but to initiate a fundamental restructuring of caste-based social relations. Article 17, read in conjunction with Articles 14, 15, 16, and 21, reflects the framers’ vision of substantive equality, human dignity, and social justice as foundational constitutional values. The enactment of the Protection of Civil Rights Act, 1955 marked the first statutory attempt to translate the constitutional mandate of Article 17 into enforceable legal rights. While this legislation provided an essential legal framework to address civil disabilities arising from untouchability, its limited scope and weak enforcement mechanisms restricted its effectiveness. The later enactment of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 sought to strengthen this framework by addressing structural and violent manifestations of caste-based discrimination, thereby reinforcing the constitutional promise of Article 17. However, this study demonstrates that the persistence of untouchability in social practice reveals a continuing gap between constitutional ideals and social realities. The problem lies not in the absence of constitutional or legal provisions, but in deficiencies in implementation, institutional accountability, and social consciousness. Article 17 embodies a constitutional morality that demands active state intervention and societal transformation rather than mere formal compliance. From a constitutional standpoint, the abolition of untouchability must be understood as an ongoing process rather than a completed legal act. The effectiveness of Article 17 ultimately depends upon the faithful enforcement of allied laws, judicial sensitivity, administrative commitment, and the internalization of constitutional values within society. Thus, the constitutional struggle against untouchability remains central to the realization of social justice and the preservation of the egalitarian spirit of the Indian Constitution.

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