

Report on **Judicial Conceptions of Caste**



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Executive Summary

This Report presents an analysis of the discourse of the Supreme Court of India on caste by studying Constitution Bench judgments on affirmative action, personal laws, and atrocities. To focus on the Supreme Court's most significant cases, the study confines itself to benches of five or more judges. Consequently, several significant judgments delivered by smaller benches have not been included and may be studied as part of a subsequent phase of this research.

Our analysis of judicial discourse on the caste system, on people belonging to oppressed cases and on remedying caste-based injustices is summarised below.

1. Judicial Conceptions of the Caste System

The Court's articulation of caste has ranged from recognising it as a rigid system of hereditary hierarchy, grounded in purity and pollution, to portraying it as an originally benign occupational order or even as akin to an autonomous group. These divergent perspectives reveal an unresolved tension between sociological realities and scriptural accounts of caste. Several judgments consistently acknowledge caste as an entrenched structure of social power which shapes access to education, employment, and public opportunities. Others invoke idealised narratives about caste, based on scripture, that obscure the lived realities of oppression.

A significant strand of the jurisprudence demonstrates inconsistency in the Court's understanding of whether caste is a phenomenon limited to Hinduism or a broader social structure cutting across religious communities. Some judgments treat caste as a product of Hindu theology, tying backwardness to Hindu religious texts. Others, drawing upon social realities, recognise caste-like hierarchies among Muslims,

Christians and Sikhs, emphasising that religious conversion does not erase caste identity or stigma.

2. Judicial Characterisations of People Belonging to Oppressed Castes

Judicial language has oscillated between affirmations of the dignity of people belonging to oppressed castes and the use of metaphors and descriptors that reproduce stigma. Earlier judgments employed paternalistic or deficit-based formulations, invoking analogies with “handicaps” and animals, implying that oppressed castes are disadvantaged due to their nature rather than structural caste-based exclusion. Over time, the Court has also articulated countervailing narratives recognising historical discrimination, the socially constructed nature of merit and the constitutional demand to dismantle caste prejudice.

3. Judicial Discourse on Remedying Caste-Based Injustice

Judgments reveal a continuing debate on what tools the Constitution permits or prioritises for achieving substantive equality. One strand emphasises education as the primary means of social transformation; another foregrounds caste-based reservations as essential instruments of justice; a third contends that poverty, rather than caste, is the principal determinant of backwardness; fourth focuses on overall social and economic development and another notes the responsibility of the private sector. These represent varying approaches to diagnosing “backwardness” under the Constitution and prescribing a constitutional response.

Introduction

India's constitutional promise of equality and justice stands in deliberate contrast to its centuries-old struggle against caste hierarchy. The Constitution of India, through its Preamble, Fundamental Rights, and Directive Principles, envisions a social order founded on liberty, equality, and fraternity. It explicitly abolishes untouchability, prohibits discrimination on the grounds of caste, and mandates affirmative action to uplift historically marginalised communities. Against this constitutional backdrop, the way caste is spoken about in judicial discourse becomes especially significant. The legal vocabulary surrounding caste, how it is described, explained and remedied, plays a decisive role in shaping not only jurisprudence but also public consciousness about justice and inclusion.

This Report seeks to sensitise and inform judicial training institutes, legal scholars, policymakers, civil society organisations and members of the public about evolving judicial discourse on caste in India by examining the discourse of judges of the Supreme Court of India on caste. By systematically analysing judicial language, the Report aims to promote greater awareness, critical reflection and sensitivity within the justice system and among those engaged in legal education and policy.

Objectives

1. To document and analyse the judicial discourse on caste across significant Supreme Court judgments.
2. To highlight harmful, stigmatising, problematic, or outdated expressions and highlight alternate inclusive judicial language that aligns with constitutional values, dignity, and equality.

3. To create an accessible legal resource for judges, researchers, and policymakers.

Scope and Methodology

While there are hundreds of Supreme Court judgments addressing caste, discrimination, and affirmative action, to ensure that we focus on the most significant cases and avoid selective citation, the study is limited to Constitution Bench judgments, from 1950 to 2025, that directly engage with:

1. Affirmative action and reservations;
2. Statutes or constitutional provisions addressing caste-based atrocities; and
3. Interpretations of caste in personal laws.

The purpose is not to celebrate or critique individual judges, or to analyse the outcome or reasoning of judgments, but to analyse judicial discourse on caste, oppressed castes and anti-caste measures, irrespective of outcome.

It is acknowledged that numerous other smaller bench decisions have made valuable contributions to this discourse. However, to focus on the most constitutionally-significant cases, this report restricts its analysis to Constitution Bench pronouncements. Furthermore, no reference to any judgment of any sitting judge of the Supreme Court has been made.

Structure of the Report

The first section of this Report, “Judicial Discourse on the Caste System,” analyses judicial opinions in which the Supreme Court has directly referred to, interpreted, or repudiated the caste and *varna* order. It examines cases that have invoked scriptural sources such as the *Manusmriti* or other ancient texts to interpret caste-related

questions, alongside those in which the Court has explicitly denounced caste hierarchies and reaffirmed constitutional equality.

The second section, “Judicial Discourse on Oppressed Caste People,” turns to how the judiciary has described Scheduled Castes and other marginalised communities. It considers instances of negative characterisation, where judgments or opinions have inadvertently reinforced stereotypes, e.g., by associating reservations with inefficiency, dependency, or preferential treatment, or have employed outdated or insensitive terms like *Harijan* or *Girijan*. It also discusses positive and neutral characterisations, focusing on cases where the Court recognised the historical oppression, resilience and contributions of Scheduled Caste individuals.

The third section, “Judicial Discourse on Remedying Caste-Based Injustices,” examines the Court’s judgments on affirmative action. It explores judicial discourse on whether and how education can erode caste identities, on reservations as instruments of substantive equality, and on whether poverty, rather than caste, is the primary driver of backwardness.

Finally, the Conclusion synthesises the key findings of the report and closes by proposing future directions: emphasising the need for a more context-sensitive, equality-oriented judicial discourse; encouraging the adoption of contemporary and inclusive terminology; and suggesting ways in which the judiciary can further align its discourse with the Constitution’s transformative vision of social justice.

This Report includes an appendix listing the cases analysed.

Institutional Context

This is not the first initiative by the Centre for Research and Planning (CRP) to develop resources to promote equality and address discrimination. The CRP has previously released a few significant publications, the *Handbook on Combating Gender Stereotypes*, the *Handbook on the Rights of Persons with Disabilities*, and the Report on *Reforming Administrative Nomenclature in the Indian Judiciary: Embedding Dignity and Equity in Service Rules*, all of which sought to sensitise the judiciary and legal institutions to issues of bias, equality and inclusion.

Building on this institutional foundation, the present Report seeks to further deepen the understanding of the discourse on caste and caste-based exclusion.

Disclaimer from the Centre for Research and Planning

The views and analysis presented in this Report are intended solely to sensitise members of the judiciary, legal community, policymakers, and the public on issues relating to caste and caste-based discrimination. The purpose of this publication is to encourage reflection, dialogue and awareness on how the legal system can advance the constitutional mandate of equality and dignity for all citizens. The views and analysis are of the authors of this Report.

It must be clearly understood that any reference to judicial discourse, trends, reasoning or interpretations is made for the purpose of research, analysis, and sensitisation, and should not be construed as criticism of a judge of the Supreme Court of India. The CRP acknowledges the judiciary's continued efforts toward realising social justice and equality and seeks to complement those efforts through constructive engagement and research.

As part of the Registry of the Supreme Court of India, the CRP is acutely aware of its institutional boundaries and responsibilities. Accordingly, the Report does not engage in personalised commentary. Instead, it focuses on judicial discourse, examining it in its broader constitutional and social context. The intention is to promote understanding of the issues, rather than to individualise or evaluate the views of any particular member of the Bench.

In doing so, the CRP reaffirms its commitment to academic rigour, institutional neutrality and constitutional fidelity, ensuring that the discussion remains objective, respectful and conducive to progressive legal development.

I. Judicial Discourse on the Caste System

This section analyses the judicial discourse on the very foundations of the caste structure: from early references to the *varna* order to more nuanced explorations of the caste–occupation nexus and the deeply embedded notions of purity and pollution that organise social life. It also analyses the discourse on the purportedly “benign” or functional origins of caste and the question of whether caste persists within different religions. By examining these strands of judicial discourse, this section aims to illuminate how courts have shaped, challenged, or at times affirmed particular understandings of caste. This section is divided into six thematic parts: Part A on judicial engagement with the *varna* system; Part B on judicial discourse on caste–occupation nexus; Part C on judiciary’s treatment of ideas of purity and pollution; Part D on the purportedly “benign” origins of the caste system; Part E on the characterisation of caste as an autonomous group, and finally, Part F on the operation of caste across different religions.

A. On the Varna System

“The Hindus who form the majority, in our country, are divided into 4 Varnas- namely, Brahmins, Kshatriyas, Vaishyas (who are all twice born) and lastly Shudras which Varnas are having a four tier demarcated hierarchical caste system based on religious tenets, believed to be of divine origin or divinely ordained, otherwise called the Hindu Varnashrama Dharma. Beyond the 4 Varnas Hinduism recognises a community, by name Panchma (untouchables) though Shudras are recognised as being the lowest rung of the hierarchical race. This system not only creates extreme forms of caste and gender prejudices, injustices, inequalities but also divides the society into privileged and disabled, revered and despised and so on. The perpetuation of casteism, in the words of Swami Vivekananda “continues social tyranny of ages”. The caste system has been religiously preserved in many ways including by the judicial verdicts, pronounced according to the traditional Hindu Law.”
(Justice S. Ratnavel Pandian, concurring opinion in *Indra Sawhney v. Union of India* (1992))

The passage above links caste to the Hindu *Chaturvarna* system and notes its enduring consequences for Indian society. It also recognises that the tyranny of caste was “religiously preserved in many ways including by the judicial verdicts pronounced according to the traditional Hindu law.” Thus, it alludes to the role of institutions, particularly pre-constitutional legal systems, in legitimising caste hierarchy. It reveals that caste is not merely a social division but a deeply embedded system of power that has shaped the material and psychological lives of millions. This understanding of the caste system is also reflected in judicial discourse on its connections to hereditary occupations, as highlighted below.

B. On the Caste-Occupation Nexus

“[Caste] is also an occupational grouping, with this difference that its membership is hereditary. One is born into it. Its membership is involuntary. Even if one ceases to follow that occupation, still he remains and continues a member of that group. To repeat, it is a socially and occupationally homogeneous class. Endogamy is its main characteristic. Its social status and standing depend upon the nature of the occupation followed by it. Lowlier the occupation, lowlier the social standing of the class in the graded hierarchy. In rural India, occupation-caste nexus is true even today. A few members may have gone to cities or even abroad but when they return— they do, barring a few exceptions— they go into the same fold again. It doesn’t matter if he has earned money. He may not follow that particular occupation. Still, the label remains. His identity is not changed. For the purposes of marriage, death and all other social functions, it is his social class— the caste— that is relevant. It is a matter of common knowledge that an overwhelming majority of doctors, engineers and other highly qualified people who go abroad for higher studies or employment, return to India and marry a girl from their own caste. Even those who are settled abroad come to India in search of brides and bridegrooms for their sons and daughters from among their own caste or community.” **(Justice B.P. Jeevan Reddy, lead opinion in *Indra Sawhney v. Union of India* (1992))**

“There is no denying that many of the castes are identified even by their traditional occupation. This is so because numerous castes arranged in a hierarchical order in the Hindu social structure are tied up with their respective particular traditional occupation consequent upon the creation of four Varnas on the concept of divine origin of caste system based on the Vedic principles. Can it be said that the propagation and practice on the caste-based discrimination; the marked dividing line between upper caste Hindus and Shudras, and the practice of untouchability in spite of the Constitutional declaration of abolition of untouchability under Article 17 are completely eradicated and erased? Can it be said that the social backwardness has no relation to caste status? The unchallengeable answer for the first question would be in the negative and for the second question, the answer would be that social backwardness does have a relation with the caste status.” **(Justice S. Ratnavel Pandian, concurring opinion in *Indra Sawhney v. Union of India* (1992))**

“Urbanisation has to some extent broken this caste-occupation nexus but not wholly. If one sees around himself, even in towns and cities, a barber by caste continues to do the same job— may be, in a shop (hair dressing saloon). A washerman ordinarily carries on the same job though he may have a laundry of his own. May be some others too carry on the profession of barber or washerman but that does not detract from the fact that in the case of an overwhelming majority, the caste-occupation nexus subsists. In a rural context, of course, a member of barber caste carrying on the occupation of a washerman or vice versa would indeed be a rarity — it is simply not done. There, one is supposed to follow his caste occupation, ordained for him by his birth. There may be exceptions here and there, but we are concerned with the generality of the scene and not with exceptions or aberrations. Lowly occupation results not only in low social position but also in poverty; it generates poverty. “Caste-occupation-poverty” cycle is thus an ever-present reality. In rural India, it is strikingly apparent; in urban centres, there may be some dilution. But since rural India and rural population is still the overwhelmingly predominant fact of life in India, the reality remains.” **(Justice B.P. Jeevan Reddy, lead opinion in *Indra Sawhney v. Union of India* (1992))**

“The link between “caste” and occupation is an unbreakable bondage to which the caste system has condemned the backward classes. Whether a backward class man carries out his traditional occupation or not, he continues to be socially identified with the said occupation. This link between the caste and the occupation has not been severed for thousands of years and it cannot be broken by arguments and theories. The ground reality is that every caste is identified by its occupation.” **(Chief Justice K.G. Balakrishnan, lead opinion in *Ashoka Kumar Thakur v. Union of India* (2008))**

The above excerpts state that caste in India is not merely a social category, but a structural and hereditary institution intrinsically tied to occupation, hierarchy, and identity. Even when individuals leave their traditional vocations or migrate to urban centres, their caste identity is retained, shaping their social interactions, marital relations, and community recognition. This persistence of caste identity demonstrates how caste functions as a deep social conditioning.

The opinions in ***Indra Sawhney*** acknowledged that the hierarchical ordering of castes and their traditional occupations continues to define the structure of social backwardness in India. Despite constitutional guarantees of equality and the abolition

of untouchability under Article 17, caste-based discrimination and social exclusion persist, both overtly and subtly. The rhetorical questions in the excerpts underscore a social reality: that while the law has formally abolished untouchability, the social and psychological remnants of caste hierarchy remain deeply embedded in everyday life.

In ***Ashoka Kumar Thakur***, Chief Justice Balakrishnan reiterated this understanding with clarity, describing caste as an “unbreakable bondage” that continues to define social identity irrespective of occupational change. This formulation captures the essence of structural discrimination, that caste is not simply correlated with poverty or profession but is a mechanism of social identification that fixes one’s place within a socioeconomic hierarchy. The Court’s acknowledgment that “every caste is identified by its occupation” underscores the lived reality of caste as imposing a social identity tied to an occupation, particularly on those belonging to backward classes, even when that occupation is not followed.

Taken together, these judgments reject any simplistic equation of caste with occupation, class or economic status. They affirm that the project of social justice under the Constitution must engage with caste as both a material and symbolic system of inequality.

C. On Ideas of Purity and Pollution in the Caste System

*“The concept of purity and impurity conceptualises the caste system. Louis Dumont asserts that the principle of the opposition to the pure and the impure underlies hierarchy, which is the superiority of the pure to the impure, underlies separation because the pure and the impure must be kept separately, and underlies division of labour because pure and impure occupations must likewise, be kept separate. There are four essential features of the caste system which maintained its homo hierarchicus character: (1) hierarchy 2) commensality 3) restrictions on marriage; and 4) hereditary occupations... It is therefore, rightly argued that the basis of the caste system namely, purity and pollution is slowly being displaced by the economic condition of the various segments of the same caste. It is recognised on almost all hands that the important feature of the caste structure are progressively suffering erosion.” (Justice D.A. Desai, concurring opinion in **K.C. Vasanth Kumar v. State of Karnataka, (1985)**)*

*“‘Caste’ is often used interchangeably with ‘class’ and can be called as the basic unit in social stratification. The most characteristic thing about a caste group is its autonomy in caste-related matters... Castes were often rated on a purity scale, and not on a social scale... a caste is a homogeneous unit from the point of view of common ancestry, religious rites and strict organizational control... Its emphasis upon ritual and regulations pertaining to cleanliness and purity differs radically from the secular nature and informality of social class rules.” (Chief Justice K.G. Balakrishnan, lead opinion in **Ashoka Kumar Thakur v. Union of India (2008)**)*

*“The caste system represents a hierarchical order of purity and pollution enforced by social compulsion. Purity and pollution constitute the core of caste. While the top of the caste pyramid is considered pure and enjoys entitlements, the bottom is considered polluted and has no entitlements. Ideas of “purity and pollution” are used to justify this distinction which is self-perpetuality. The upper castes perform rituals that, they believe, assert and maintain their purity over lower castes. Rules of purity and pollution are used to reinforce caste hierarchies... Individual dignity cannot be based on the notions of purity and pollution. ‘Untouchability’ against lower castes was based on these notions, and violated their dignity... Notions of ‘purity and pollution’ which stigmatize individuals, can have no place in a constitutional regime...” (Justice D.Y. Chandrachud, concurring opinion in **Indian Young Lawyers Association v. State of Kerala (2018)**)*

The trajectory of judicial thought reflected in these opinions suggests a deeper appreciation of the nature of caste: from its sociological roots in the doctrines of purity and pollution to its normative repudiation within constitutional law. Justice Desai’s

concurring opinion in **Vasanth Kumar**, drawing on Louis Dumont's anthropological framework, identified purity and pollution as the conceptual foundations of the caste system. This duality, he observed, underlies hierarchy, separation and hereditary division of labour, producing a system where social status and occupation are determined by ritual notions. The four essential features he noted (hierarchy, commensalism, endogamy, and hereditary occupation) revealed caste as both a moral and material order that organises critical aspect of life.

In **Ashoka Kumar Thakur**, Chief Justice Balakrishnan expanded this understanding by distinguishing caste from class. He observed that caste is not an economic or status-based grouping but a closed system of social control grounded in religious sanctions, common ancestry and ritual codes. Whereas a class is defined by mobility and material conditions, a caste is defined by immobility and inherited hierarchy. By underscoring that castes were ranked on a "purity scale" rather than a "social scale," the judgment clarified that caste-based disadvantage is not merely economic but social, rooted in social processes like stigma and exclusion.

In **Indian Young Lawyers Association**, Justice Chandrachud explicitly recognised that the very notions of purity and pollution are anathema to the Constitution. Recognising that the caste system represents "a hierarchical order of purity and pollution enforced by social compulsion," he asserted that individual dignity cannot rest upon ideas that demean human worth. Crucially, the judgment extended Article 17's scope, originally aimed at caste-based untouchability, to include all forms of social exclusion rooted in purity-pollution doctrines.

It is useful to compare the judicial discourse discussed so far with the quite different discourse below on the supposed benign origins of the caste system and on caste as a voluntary association.

D. On the (Benign) Origins of the Caste System

“In the Hindu social structure, caste unfortunately plays an important part in determining the status of the citizen. Though according to sociologists and Vedic scholars, the caste system may have originally begun on occupational or functional basis, in course of time, it became rigid and inflexible. The history of the growth of caste system shows that its original functional and occupational basis was later over-burdened with considerations of purity based on ritual concepts, and that led to its ramifications which introduced inflexibility and rigidity. This artificial growth inevitably tended to create a feeling of superiority and inferiority and to foster narrow caste loyalties.” **(Justice P.B. Gajendragadkar, unanimous opinion in *M.R. Balaji v. State of Mysore* (1963))**

“The Chaturvarna-system has been gradually distorted in shape and meaning and has been replaced by the prevalent caste-system in Hindu society... The caste system as projected by Manu and accepted by the Hindu society has proved to be the biggest curse for this country. The Chaturvarna-system under the Aryans was more of an occupational order projecting the division of labour. Thereafter, in the words of Professor Harold A. Gould in his book ‘The Hindu Caste System’, the Brahmins ‘sacralized the occupational order, and occupationalised the sacred order’. Yet with the passage of time the caste-system become the cancer-cell of the Hindu Society.” **(Justice Kuldeep Singh, dissenting opinion in *Indra Sawhney v. Union of India* (1992))**

“The caste system in its earlier stage was quite elastic but in course of time it gradually hardened into a rigid framework based upon heredity.” **(Justice Arijit Pasayat, concurring opinion in *Ashoka Kumar Thakur v. Union of India* (2008))**

The paragraphs quoted above may be taken as suggesting that the caste system had benign origins in divisions of people based on functions and occupations. Only later, it

is suggested, did such divisions become rigid and unequal in the form as we know today. This discourse is problematic.

These suggestions about the supposed benign origin of the caste system risk being understood as implicitly validating the (still dominant) *Chaturvarna* model (the four-fold division of society into Brahmins, Kshatriyas, Vaishyas, and Shudras) allegedly on a functional and occupational basis.

Furthermore, the theory fails to centre the experiences and resistance of the oppressed castes. Attributing caste rigidity to later *corruptions* or *misunderstandings* may be taken as downplaying the centuries of systemic exclusion, violence and degradation faced by marginalised communities. It also shifts responsibility from social institutions and scriptural authorities that maintained caste hierarchies, attributing caste oppression to abstract corrupting forces.

The judicial discourse on the benign origins of the caste system is supported by another line of judicial discourse that downplays the harms and rigidity of the caste system by characterising castes as an autonomous group.

E. On Caste as an Autonomous Group

When the issue before the Court was whether a person, whose parents originally belonged to a Scheduled Caste before their conversion to Christianity, could, on reconversion to Hinduism, be deemed a member of that Scheduled Caste, a judgment stated:

"It is for the members of the caste to decide whether or not to admit a person within the caste. Since the caste is a social combination of persons governed by its rules and regulations, it may, if its rules and regulations so provide, admit a new member just as it may expel an existing member. The only requirement for admission of a person as a member of the caste is the acceptance of the person by the other members of the caste, for, as pointed out by Krishnaswami Ayyangar, J., in Durgaprasada Rao v. Sudarsanaswami, 'in matters affecting the well-being or composition of a caste, the caste itself is the supreme judge'." (The Principal, Guntur Medical College, Guntur v. Y. Mohan Rao, (1976))

Even though on an issue related to personal laws, the observation that "a caste is a social combination of persons governed by its rules and regulations" and that "the caste itself is the supreme judge" in deciding who may be admitted or expelled, portrays caste as an autonomous or self-governing social institution rather than as a deeply exclusionary structure.

It rests on the colonial-era view of caste autonomy, i.e. of castes as governed by internal customs and norms.¹ To describe caste as a "social combination of persons" overlooks the coercive, hereditary and endogamous nature of caste.

Once caste is framed as an autonomous group, its coercive and hereditary dimensions recede from view. But this line of reasoning quickly encounters its limits when the judiciary is called upon to address caste practices outside the traditional Hindu fold. The persistence of caste-based identities and hierarchies within non-Hindu religions complicates the notion of caste as an autonomous group.

F. On Caste in Different Religions

“Besides, if the caste of the group of citizens was made the sole basis for determining the social backwardness of the said group, that test would inevitably break down in relation to many sections of Indian society which do not recognise castes in the conventional sense known to Hindu society. How is one going to decide whether Muslims, Christians or Jains, or even Lingayats are socially backward or not? The test of castes would be inapplicable to those groups, but that would hardly justify the exclusion of these groups in toto from the operation of Art. 15(4). It is not unlikely that in some States some Muslims or Christians or Jains forming groups may be socially backward. That is why we think that though castes in relation to Hindus may be a relevant factor to consider in determining the social backwardness of groups or classes of citizens, it cannot be made the sole or the dominant test in that behalf.” **(Justice P.B. Gajendragadkar, unanimous opinion in *M.R. Balaji v. State of Mysore* (1963))**

“So Sadly and oppressively deep-rooted is caste in our country that it has out across even the barriers of religion. The caste system has penetrated other religious and dissentient Hindu sects to whom the practice of caste should be anathema and today we find that practitioner of other religious faiths and Hindu dissentients are some times as rigid adherents to the system of caste as the conservative Hindus. We find Christian harijans, Christian Madars, Christian Reddys, Christian Kammas, Mujbi Sikhs, etc. etc. In Andhra Pradesh there is a community known as Pinjaras or Dudekulas (known in the North as ‘Rui Pinjane Wala’): Professional cotton-beaters) who are really Muslims, but are treated in rural society, for all practical purposes, as a Hindu Caste. Several other instances may be given.” (sic) **(Justice O. Chinnappa Reddy, concurring opinion in *K.C. Vasanth Kumar v. State of Karnataka* (1985))**

“Caste-system in this country is sui generis to Hindu religion. The Hindu-orthodoxy believes that an early hymn in the Rig-Veda (the Purusasukta: 10.90) and the much later Manava Dharma Sastra (law of Manu), are the sources of the caste-system. Manu, the law-giver cites the Purusasukta as the source and justification for the caste division of his own time.” **(Justice Kuldeep Singh, dissenting opinion in *Indra Sawhney v. Union of India* (1992))**

"It is said that the caste system is unknown to other communities such as Muslims, Christians, Sikhs, Jews, Parsis, Jains etc. in whose respective religion, the caste system is not recognised and permitted. But in practice, it cannot be irrefutably asserted that Islam, Christianity, Sikhism are all completely immune from casteism... There are various sects or separate group of people in Muslim communities being identified by their occupation such as Pinjara in Gujarat, Dudekula (cotton beaters) in Andhra Pradesh, Labbais, Rowthar and Marakayar in Tamil Nadu.

Though Christianity does not acknowledge caste system, the evils of caste system in some States are as prevalent as in Hindu society especially among the converts. In Andhra Pradesh, there are Harijan Christians, Reddy Christians, Kamma Christians etc. Similarly, in Tamil Nadu, there are Pillai Christians, Marvar Christians, Nadar Christians and Harijan Christians etc. That is to say all the converts to Christianity have not divested or set off themselves from their caste labels and crossed the caste barrier but carry with them the banners of their caste labels. Like Hindus, they interact and have their familiar relationship and marital alliances only within the converted caste groups...

*Thus even among non-Hindus, there are occupational organisations or social groups or sects which are having historical backward/evolution... Though in India, caste evil originated from Hindu religion that evil has taken its root so deep in the social structure of all the Indian communities and spread its tentacles far and wide thereby leaving no community from being influenced by the caste factor. In other words, it cannot be authoritatively said the some of the communities belonging to any particular religion are absolutely free from casteism or at least from its shadow. The only difference being that the rigour of caste varies from religion to religion and from region to region." (sic) (Justice S. Ratnavel Pandian, concurring opinion in **Indra Sawhney v. Union of India (1992)**)*

*"The caste, as is understood in Hindu Society, is unknown to Muslims, Christians, Parsis, Jews etc Caste criterion would not furnish a reliable yardstick to identify socially and educationally backward group in the aforementioned communities though economic backwardness would." (Justice D.A. Desai, concurring opinion in **K.C. Vasanth Kumar v. State of Karnataka (1985)**)*

*“Every activity in Hindu society, from cradle to grave is carried on solely on the basis of one’s caste. Even after death, a Hindu is not allowed to be cremated in the crematorium which is maintained for the exclusive use of the other caste or community. Dalits are not permitted to be buried in graves or cremated in crematoriums where upper caste people bury or cremate their dead. Christians have their own graveyards. Muslims are not allowed to be buried in the Hindu crematoriums and vice-versa. Thus, caste rules the roost in the life of a Hindu and even after his death. In such circumstances, it is entirely fallacious to advance this argument on the ground that the Constitution has prohibited the use of caste. It was argued what the Constitution aims at is achievement of equality between the castes and not elimination of castes.” (Chief Justice K.G. Balakrishnan, lead opinion in **Ashoka Kumar Thakur v. Union of India (2008)**)*

These contrasting views reveal a fundamental tension within the Supreme Court’s understanding of caste: between those who view it as a religious construct confined to Hinduism and those who recognise it as a social institution that transcends religious boundaries.

Justice Kuldeep Singh’s dissenting view in **Indra Sawhney** represents the former strand. He located the origins of caste squarely within Hinduism, describing it as *sui generis* to Hindu orthodoxy and citing the *Rig Veda* and *Manusmriti* as its foundational texts. For him, caste was a by-product of Hindu religious philosophy, a stratification system divinely sanctioned within the *varna* order. This view confines caste to a theological context, treating it as a defect or aberration of one religion rather than a pervasive social institution. Such reasoning aligns with an older judicial imagination, as seen in Justice Gajendragadkar’s view in **M.R. Balaji**, which considered caste a relevant but limited factor and warned that using it as the sole test for backwardness would be inapplicable to non-Hindu groups. The reasoning of Justice Gajendragadkar, Justice Desai in **Vasanth Kumar**, and Justice Kuldeep Singh treats caste as religion-bound,

implying that communities like Muslims or Christians cannot experience caste-based backwardness in the same way as Hindus.

By contrast, Justice Chinnappa Reddy in ***Vasanth Kumar***, Justice Ratnavel Pandian in ***Indra Sawhney*** and Chief Justice Balakrishnan in ***Ashoka Kumar Thakur*** advanced a different view. They recognised that while caste may have originated in Hindu religious ideology, it has long transcended its theological moorings to become a pervasive mode of socio-economic organisation across religions. Justice Pandian documented how caste-like hierarchies exist among Muslims, Christians and Sikhs, manifested through occupational and regional groupings. Justice Balakrishnan expanded on this by showing that caste regulates all dimensions of life “from cradle to grave,” including burial and marriage, which shows that caste functions as a social system of exclusion rather than a religious one. The three judges emphasised that the Constitution’s concern is not with religious texts but with the lived realities of inequality and humiliation.

We now turn to a related but distinct strand of this study: the judiciary’s treatment of oppressed caste communities and the language through which their experiences have been described, framed or diminished.

II. Judicial Discourse on Oppressed Caste People

This section analyses the judiciary's language concerning oppressed caste communities in three parts: (A) analogies with animals and "handicaps," (B) judicial reflections on efficiency and merit, and (C) acknowledgements of the impacts of oppression.

A. Analogies with Animals and 'Handicaps'

"To make my point clear, take the illustration of a horse race. Two horses are set down to run a race—one is a first class race horse and the other an ordinary one. Both are made to run from the same starting point. Though theoretically they are given equal opportunity to run the race, in practice the ordinary horse is not given an equal opportunity to compete with the race horse. Indeed, that is denied to it. So, a handicap may be given either in the nature of extra weight or a start from a longer distance. By doing so, what would otherwise have been a farce of a competition would be made a real one." (Justice K. Subba Rao, dissenting opinion in **T. Devadasan v. Union of India (1964)**)

"While it is certainly just to say that a handicap should be given to backward class of citizens at the stage of initial appointment, it would be a serious and unacceptable inroad into the rule of equality of opportunity to say that such a handicap should be provided at every stage of promotion throughout their career... This in turn is bound to generate a feeling of despondence and 'heart-burning' among open competition members. All this is bound to affect the efficiency of administration. Putting the members of backward classes on a fast-track would necessarily result in leap-frogging and the deleterious effects of "leap-frogging" need no illustration at our hands... Crutches cannot be provided throughout one's career." (Justice B.P. Jeevan Reddy, lead opinion in **Indra Sawhney v. Union of India (1992)**)

It is essential to recognise that some metaphors used in these excerpts reflected the prevailing social vocabulary of that period. These metaphors, particularly the imagery

of a “first-class horse” and an “ordinary horse,” and the framing of reservation as “handicap” or “crutches” are read today as inconsistent with the constitutional imperative of dignity.²

The metaphor of crutches conflates systemic social exclusion, arising from caste, class or community, with disability, and in doing so, fails to recognise the particular experiences and struggles of disabled people and oppressed castes.

While the metaphor of the race-horses in *Devadasan* aims to explain the necessity of affirmative action measures, it risks being read as endorsing what contemporary disability thinkers would describe as an individual-deficit model. This model presumes that the “weaker” participant must be given a concession to “catch up” with the naturally superior competitor. Today, such framing is recognised as limiting because it fails to interrogate why the track itself may be uneven, or why some competitors are systematically obstructed.³ Contemporary disability thought instead advocates a social model of exclusion, which resonates deeply with the Indian Constitution’s project of equality i.e., a recognition that disadvantage often arises not from individual impairment but from social and institutional barriers.⁴ Under this view, the Constitution does not “give a handicap” to the advantaged rather it removes historically imposed caste barriers for the disadvantaged.⁵

Second, reservations and protective measures are not acts of charity or compensatory privileges for a deficit group. Rather, they are instruments of justice meant to correct entrenched historical and structural inequalities. By analogising such measures to a sporting “handicap,” the discourse shifts from the idea of constitutional entitlement to that of benevolent aid, thereby undermining the dignity and agency of the communities they aim to empower.

Third, such language creates a false dichotomy between capability and backwardness, implying that members of the backward classes are somehow cognitively or inherently limited. This narrative not only reinforces social prejudice but also contradicts the foundational logic of affirmative action, which is premised on the belief that, given equitable access to opportunities, all individuals can flourish. By equating disadvantage with disability, the Court risks re-inscribing caste-based inferiority under the guise of constitutional sympathy.

A more accurate and constitutionally faithful vocabulary would speak of “historical disadvantage,” “systemic exclusion,” or “structural inequality,” rather than “handicap.” These terms capture the socio-political origins of disadvantage, align with the vision of substantive equality under Articles 14, 15 and 16, and affirm the moral agency and capability of marginalised communities. The Constitution does not treat backward classes as deficient, but as rights-bearing citizens whose full participation in public life must be ensured through corrective and enabling measures, not paternalistic compassion.

In essence, the persistence of words like “handicap” in judicial reasoning exposes the need for a linguistic reform of constitutional discourse, where empathy must be coupled with precision, and equality must be expressed in the language of dignity, not deficiency.

While this Report focuses on judicial discourse on caste, similarly problematic language is found in judicial discourse on tribes, on which further research is needed. For instance, a judgment in ***Chebrolu Leela Prasad Rao v. State of Andhra Pradesh*** (2020) noted that the “primitive way of life [of Scheduled Tribes] makes them unfit to put up with the mainstream and to be governed by the ordinary laws...” and describes

them as needing a “helping hand to uplift them and to make them contribute to the national development and not to remain part of the primitive culture.” By describing the tribal way of life as “primitive” and suggesting that they are “unfit to put up with the mainstream,” the Court adopted a vocabulary steeped in colonial and paternalistic assumptions. This framing reflects an outdated civilizational hierarchy, where the so-called “mainstream” is presumed to be modern, advanced and desirable, while tribal life is cast as backward and in need of assimilation. Such reasoning disregards the cultural systems of India’s tribal peoples, their governance traditions, ecological knowledge, linguistic diversity and sustainable modes of living, which are now being drawn on to address the UN sustainable development goals.

Returning to this Report’s study of caste, the extracts below suggest how judicial discourse could reflect the humanity, resilience and potential of oppressed castes:

*“[T]hey belonged to backward classes being members of the scheduled castes and tribes and for historical reasons they did not have sufficient opportunity to develop their genius and intellectual capacity as others could do.” (Justice S. Murtaza Fazal Ali, concurring opinion in **State of Kerala v. N.M. Thomas (1976)**)*

*“The Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes, all of whom have been compendiously described as ‘the weaker sections of the people’, have long journeys to make society. They need aid; they need facility; they need launching; they need propulsion. Their needs are their demands. The demands are matters of right and not of philanthropy. They ask for parity, and not charity. The days of Dronacharya and Ekalavya are over. They claim their constitutional right to equality of status and of opportunity and economic and social justice. Several bridges have to be erected, so that they may cross the Rubicon.” (Justice O. Chinappa Reddy, concurring opinion in **K.C. Vasanth Kumar v. State of Karnataka (1985)**)*

Yet such affirmations remain unevenly distributed across the jurisprudence, often coexisting with older idioms that reduce caste disadvantage to a “handicap” or cast

members of oppressed groups in paternalistic terms. The challenge, therefore, is not merely to identify these progressive moments but for them to become the standard discourse in judgments. This need becomes even more urgent when the discussion turns, as we will see in the next sub-section, to the terrain of “efficiency” and “merit”, where judicial vocabulary has historically carried the weight of entrenched assumptions and consequential normative judgments.

B. On Efficiency and Merit

“It is inevitable in the nature of reservation that there will be lowering of standards to some extent; but on that account the provision cannot be said to be bad.”
(Justice K. Subba Rao, dissenting opinion in *T. Devadasan v. Union of India* (1964))

The statement candidly assumes that reservation inherently reduces standards, treating the presence of Scheduled Castes as synonymous with diminished administrative quality. Even when used to ultimately uphold reservation, the formulation legitimises an epistemology that reads backwardness as incompetence rather than the result of entrenched structural barriers. What is framed as tolerance becomes, in effect, a validation of caste-linked assumptions about ability. This approach further deepened in subsequent judicial discourse.

“[T]here is no dispute so far as the question is concerned about the need to make every effort to ameliorate the lot of backward classes, including the members of the scheduled castes and the scheduled tribes... We have also to guard against allowing our supposed zeal to safeguard the interests of members of scheduled castes and scheduled tribes to so sway our mind and warp our judgment that we drain off the substance of the contents of clause (1) of Article 16 and whittle down the principle of equality of opportunity in the matter of public employment enshrined in that clause in such a way as to make it a mere pious wish and teasing illusion. The ideals of supremacy of merit, the efficiency of services and the absence of discrimination in sphere of public employment would be the obvious casualties...”
(Justice H.R. Khanna, dissenting opinion in *State of Kerala v. N.M. Thomas* (1976))

"It must not be forgotten that the efficiency of administration is of such paramount importance that it would be unwise and impermissible to make any reservation at the cost of efficiency of administration." (Chief Justice A.N. Ray, lead opinion in ***State of Kerala v. N.M. Thomas (1976)***)

The language employed here frames entry of Scheduled Caste into public institutions as a risk to efficiency and merit, implying that the constitutional project of equality threatens administrative integrity. In effect, caste hierarchy is neither interrogated as a baseline distortion nor recognised as the historical mechanism by which access to education, public office, and opportunities was restricted. Instead, affirmative action is subtly cast as the distortion, and privilege is rendered normative. When Scheduled Castes are portrayed as jeopardising efficiency, the argument mirrors what scholars call "interest convergence" and "racialised merit discourses", where systems value "merit" only so long as it preserves historic privilege.⁶ Thus, instead of identifying caste as the source of unequal merit formation, the rhetoric risks constructing reservation itself as the constitutional deviance.

The suggestion in the extracts that reservations are in tension with the interests of efficiency is not supported by evidence. In fact the evidence suggests that reservations improve institutional performance. As one review of caste research notes: "...studies have shown that organizational performance has not suffered due to the implementation of reservations in railways or bureaucracy. Instead, a study of public sector enterprises showed that firms that implemented reservations performed better on a range of financial and nonfinancial performance indicators, with this relationship being stronger if the reservations were implemented across levels of the organizational hierarchy rather than being limited to lower levels of it."⁷

Nevertheless, when judicial discourse frames “efficiency” in ways that cast Scheduled Caste reservations as administratively suspect, it risks making historically marginalised communities “prove” capability in systems designed to exclude them, while historically advantaged groups are presumed meritorious by default.⁸ Such judicial discourse supports narratives in which historical exclusion becomes evidence of present deficiency, and corrective justice is reimagined as deviation from fairness.

This discursive pattern becomes more apparent in one opinion in ***N.M. Thomas***, which states:

*“We must expect that Government will, while fixing the longer grace time for passing tests, have regard to administrative efficiency. You can't throw to the winds considerations of administrative capability and grind the wheels of Government to a halt in the name of ‘harijan welfare’. The Administration runs for good government, not to give jobs to harijans.” (Justice V.R. Krishna Iyer, concurring opinion in ***State of Kerala v. N.M. Thomas*** (1976))*

This formulation performs multiple rhetorical functions simultaneously. It presumes Scheduled Castes lack administrative capability and frames their employment as charity. The phrase “grind the wheels of Government to a halt” transforms constitutionally mandated inclusion into a threat. Even acknowledging the possibility that the Court was recounting a broader social discourse, the repetition of this imagery from the Bench reinforces, rather than unsettles, the stereotype of Scheduled Castes as liabilities to governance.

It is worth emphasising that the very terms through which Scheduled Castes have been labelled reflect broader shifts in power, recognition and dignity. For instance, in earlier decades, the use of the term “Harijan” (and in tribal contexts “Girijan”) by courts and in official documents was not uncommon.⁹ However, in February 1982, the

Ministry of Home Affairs issued a directive instructing that *Harijan/Girijan* should not appear in Scheduled Caste or Scheduled Tribe certificates.¹⁰ Further, the Supreme Court now characterises the term “Harijan” as abusive, noting that it is often used by people belonging to the so-called upper castes as a word of insult, abuse and derision.¹¹ Thus, the move away from “Harijan/Girijan” is part of the effort to ensure that legal, administrative and judicial language reflects the equality, autonomy and self-respect of rights-holders rather than reproducing the logic of benevolence or charity.

Reflecting more broadly on judicial discourse concerning oppressed castes, it is essential to note that although some of these formulations were made by counsel, the Court’s choice to foreground and reproduce these signifiers within its own judgment carried significant consequences. Judicial repetition, even when attributed to advocates, lends authority and legitimacy to the language deployed. In effect, it inadvertently normalises the evaluative logic in which Scheduled Castes are cast as lacking in merit and posing a threat to institutional efficiency. Such framing presents constitutionally mandated measures like reservations through a lens of suspicion and deficiency, reinforcing the very hierarchies the Constitution seeks to dismantle. By allowing these characterisations to structure the narrative and the formulation of issues, the discourse risked entrenching a negative and prejudicial understanding of affirmative action, rather than affirming its remedial and justice-oriented purpose.

By contrast, one may refer to the following excerpts, which acknowledged that the constitutional understanding of efficiency cannot be confined to narrow performance criteria:

“It is undeniable that nature has endowed merit upon members of the backward classes just as much as it has upon members of other classes; what is required is merely an opportunity to prove it. It cannot, therefore, be said that reservations are anti meritarian. Merit there is even among the reserved candidates, and the small difference, that may exist at the stage of initial recruitment is bound to disappear in the course of time. These members too will compete with and improve their efficiency alongside others.” (sic) **(Justice B.P. Jeevan Reddy, lead opinion in Indra Sawhney v. Union of India (1992))**

“Merit is not a fixed absolute concept. Amartya Sen, in a book, Meritocracy and Economic Inequality, edited by Kenneth Arrow, points out that merit is a dependent idea and its meaning depends on how a society defines a desirable act. An act of merit in one society may not be the same in another. The difficulty is that there is no natural order of ‘merit’ independent of our value system. The content of merit is context-specific. It derives its meaning from particular conditions and purposes. The impact of any affirmative action policy on ‘merit’ depends on how that policy is designed.” **(Justice S.H. Kapadia, unanimous opinion in M. Nagaraj v. Union of India (2006))**

These passage is in line with the insight that “merit” is rarely neutral. Rather, it is socially constructed through access, accumulated advantages, and the cultural capital of historically dominant groups.¹²

Furthermore, while earlier judgments on reservations for Scheduled Castes, Scheduled Tribes, and Other Backward Classes engaged extensively with the concept of “merit” and its importance, the judgment upholding reservation for Economically Weaker Sections (excluding SCs, STs, and OBCs) contains no comparable discussion.

Understanding merit as a context-bound construct creates the conceptual space for judges to appreciate, as we will see in the next section, how caste-based discrimination over generations has constrained the conditions under which oppressed groups are able to develop and demonstrate their abilities.

C. Acknowledgements of the Impacts of Oppression

*“The Father of the Nation adopted, as his fighting faith, the uplift of the bhangi and his assimilation, on equal footing, into Hindu society, and the Constitution, whose principal architect was himself a militant mahar, made social justice a founding faith and built into it humanist provisions to lift the level of the lowly scheduled castes and tribes to make democracy viable and equal for all. Studies in social anthropology tell us how cultural and material suppression has, over the ages, crippled their personality, and current demography says that nearly every fifth Indian is a harijan and his social milieu is steeped in squalor.” (Justice V.R. Krishna Iyer, concurring opinion in **State of Kerala v. N.M. Thomas (1976)**)*

*“Article 17 was a promise to lower castes that they will be free from social oppression. Yet for the marginalized communities, little has changed. The list of the daily atrocities committed against Dalits is endless. Dalits are being killed for growing a moustache, daring to watch upper-caste folk dances, allegedly for owning and riding a horse and for all kinds of defiance of a social order that deprives them of essential humanity. The Dalits and other oppressed sections of society have been waiting long years to see the quest for dignity fulfilled. Security from oppression and an opportunity to lead a dignified life is an issue of existence for Dalits and the other marginalized. Post-independence, Parliament enacted legislations to undo the injustice done to oppressed social groups. Yet the poor implementation of law results in a continued denial which the law attempted to remedy.” (Justice D.Y. Chandrachud, concurring opinion in **Indian Young Lawyers Association v. State of Kerala (2018)**)*

These remarks represent a powerful judicial acknowledgment of the continuing failure of India's constitutional promise under Article 17 (the abolition of untouchability) to translate into lived equality for Dalits and other marginalised communities. The second passage confronts a central paradox of Indian democracy: that while formal legal equality was secured at Independence, social subordination and caste-based

violence remain pervasive. By pointing to the brutal and often absurd reasons for violence (being killed for growing a moustache, watching an upper-caste dance, or riding a horse), the judgment exposes how deeply the caste order continues to police dignity of oppressed castes through everyday acts of domination. These are not isolated incidents but manifestations of a system that punishes assertion and visibility by the oppressed castes.

The observation that Article 17 was “a promise to lower castes” reframes the provision as a constitutional covenant rather than a mere legal prohibition. It was meant to secure not only the abolition of untouchability as a practice but also the annihilation of the ideology that sustains it. Yet, the persistence of atrocities reflects the gap between constitutional aspiration and state performance. The law has sought to undo centuries of exclusion, through statutes such as the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, but their weak enforcement and societal resistance have allowed structural violence to endure.

The emphasis on “security from oppression and an opportunity to lead a dignified life” positions dignity as the core of constitutionalism, as the passage reflects that for many Dalits and other oppressed groups, dignity is not an abstract moral claim but a question of survival and recognition. This judgment thus links Article 17 to the broader constitutional project of substantive equality. The quoted statement is also an indictment of the institutional complacency of a system that measures progress through legal formalities while everyday humiliation continues unchecked.

The following section addresses how the judiciary has envisioned the structural reforms necessary to dismantle caste-based injustice.

III. Judicial Discourse on Remedying Caste-Based Injustice

Judicial discourse on how caste-based injustice should be addressed forms an important strand of Indian constitutional jurisprudence. Courts have engaged with different ideas, including: that education can erode caste identities, that reservations are essential instruments of substantive equality, and that poverty, rather than caste, is the primary marker of backwardness. This section brings together these strands to show how judicial discourse has shaped, and at times limited, the constitutional project of remedying caste inequality. It is divided into parts on: (A) Education Eradicating Caste, (B) Caste-Based Reservations, (C) Poverty as the Primary Cause of Backwardness, (D) Social and Economic Development, and (E) Responsibility of the Private Sector.

A. On Education Eradicating Caste

*“The first place where caste can be eradicated is the classroom. It all starts with education. In other words, if you belong to a lower caste but are well qualified, hardly anyone would care about your caste... The State is duty bound to implement [Article 21A] on a priority basis. There has been grave laxity in its implementation... [N]othing is more important for the Union of India than to implement this critical Article.” (Justice Dalveer Bhandari, concurring opinion in **Ashoka Kumar Thakur v. Union of India** (2008))*

This observation that caste can be eradicated through education, and that once a person from a lower caste becomes “well-qualified hardly anyone would care about their caste,” reflects a deeply idealistic but inadequate understanding of social reality in India. While education is undoubtedly a crucial means of empowerment, to suggest

that it alone can dissolve caste-based discrimination ignores overwhelming evidence of the persistence of caste bias within educational institutions and public services. Rather than being neutral spaces of merit and mobility, classrooms and offices often reproduce the very hierarchies they are supposed to dismantle.¹³

From the Thorat Committee Report on caste discrimination in universities¹⁴ (2007) to multiple inquiries into campus suicides of Dalit and Adivasi students, the evidence demonstrates that caste prejudice pervades educational spaces.¹⁵ Students from Scheduled Castes and Scheduled Tribes frequently face subtle and overt forms of exclusion: they are stereotyped as *quota candidates*, marked by social isolation in hostels and laboratories, subjected to differential grading, and denied mentorship or recommendation opportunities.¹⁶

The same is true in the realm of public services. Even Dalit police officers, despite state power and professional standing, often require protection merely to perform symbolic acts like leading their own marriage processions through areas dominated by upper castes.¹⁷ These experiences reveal that education and professional advancement can secure economic mobility but not necessarily social acceptance or dignity.

By asserting that education alone can make caste “irrelevant,” the observation in ***Ashoka Kumar Thakur*** judgment collapses the structural and relational dimensions of caste into an individual attribute. It assumes that caste is a matter of perception or ignorance that can be dispelled by literacy, rather than a deeply embedded social order sustained by power, privilege and prejudice. It also misreads Article 21A’s transformative role: while the right to education is vital, it cannot substitute for the anti-discriminatory guarantees under Articles 15(2), 17 and 46. Without confronting

institutional casteism, education risks becoming another site of exclusion, a place where “merit” is used to veil privilege and stigmatise the marginalised.

In essence, the assumption that caste disappears with education is both sociologically untenable and normatively dangerous. It shifts the burden of eradicating caste from society to the individual, suggesting that the oppressed must “qualify” to earn equality.

B. On Caste-Based Reservations

*“Take the case of the petitioner Srinivasan. It is not disputed that he secured a much larger number of marks than the marks secured by many of the Non-Brahmin candidates and yet the Non-Brahmin candidates who secured less number of marks will be admitted into six out of every 14 seats but the petitioner Srinivasan will not be admitted into any of them. What is the reason for this denial of admission except that he is a Brahmin and not a Non-Brahmin. He may have secured higher marks than the Anglo-Indian and Indian Christians or Muslim candidates but, nevertheless, he cannot get any of the seats reserved for the last-mentioned communities for no fault of his except that he is a Brahmin and not a member of the aforesaid communities. Such denial of admission cannot but be regarded as made on ground only of his caste.” (Justice S.R. Das, unanimous decision in **State of Madras v. Champakam Dorairajan** (1951))*

*“Reservation of appointments or posts may theoretically and conceivably mean some impairment of efficiency; but the risk involved in sacrificing efficiency of administration must always be borne in mind when any State sets about making a provision for reservation of appointments or posts.” (Justice P.B. Gajendragadkar, majority opinion in **General Manager, Southern Railway v. Rangachari** (1962))*

*“The Committee further observed that the representatives of the upper classes did not complain about any lack of efficiency in the offices recruited by reservation (p. 135). This opinion, however, is plainly inconsistent with what is bound to be the inevitable consequence of reservation in higher university education. If admission to professional and technical colleges is unduly liberalised it would be idle to contend that the quality of our graduates will not suffer.” (Justice P.B. Gajendragadkar, unanimous opinion in **M.R. Balaji and Ors. v. State of Mysore** (1963))*

*“If the reservation is so excessive that it practically denies a reasonable opportunity for employment to members of other communities the position may well be different and it would be open when for a member of a more advanced class to complain that he has been denied equality by the State” (Justice J.R. Mudholkar, majority opinion in **T. Devadasan v. Union of India (1964)**)*

*“Any one of the said provisions, however reasonably framed, would inevitably cause hardship to some candidates from the non-Scheduled Castes and non-Scheduled Tribes in the sense that some of them would have been selected but for the reservation” (Justice K. Subba Rao, dissenting opinion in **T. Devadasan v. Union of India (1964)**)*

In the early constitutional discourse, certain judicial pronouncements on reservations reveal an unease towards the idea of caste-based affirmative action. This is also reflected in a few later opinions. The language employed in some of these decisions often framed reservations not as instruments of justice or constitutional repair, but as mechanisms of exclusion against the so-called “meritorious” or “advanced” sections. One such instance records the Court’s anxiety over a candidate who, despite having obtained higher marks than those from reserved categories, was denied admission solely because he belonged to a forward community. The reasoning implied that the reservation scheme operated as a form of discrimination.

Another decision displayed similar apprehensions when it expressed concern that the liberalisation of admissions to professional and technical institutions would inevitably result in a decline in academic standards. The Court’s language suggested that reservation is inherently at odds with “efficiency” and “quality.”

The same ambivalence prevails in other pronouncements where the Court acknowledged that while reservation may be necessary, its excessive use could deprive members of “advanced classes” of equality, or that any reservation, however

reasonably designed, would inevitably cause hardship to candidates from non-reserved categories. In one such observation, it was stated that a certain degree of “lowering of standards” or “some impairment of efficiency” is inevitable in the nature of reservation. This language assumes that the entry of Scheduled Castes and Scheduled Tribes into public employment or education necessarily entails a dilution of standards, thereby reifying the very hierarchies that the Constitution endeavours to dismantle. To describe social justice as a source of “hardship” to others is to privilege comfort over correction, and to invert the moral axis of constitutional equality.

Such judicial formulations collectively reveal a deeper assumption that the general rule is meritocracy and reservation is its exception. However, in reality, the caste system compromises the rule of meritocracy by controlling access to resources and opportunities, which reservations seek to correct. So, reservations are not a favour extended to certain castes, but a structural response to entrenched historical injustice. It is a means of realising substantive equality, not of distorting it. The Constitution, in recognising the need for special provisions for socially and educationally backward classes, did not conceive equality in formal or arithmetic terms. It underlined that centuries of graded inequality could not be undone by neutral rules, and that a level playing field cannot be invoked where the ground itself is uneven.¹⁸

The repeated judicial invocation of “lowering of standards” and “inevitable hardship” reveals an unexamined moral bias, one that conflates privilege with merit and reverses the moral burden of equality. By portraying reservation as an intrusion into efficiency or an act of discrimination against the privileged, these formulations obscure the central purpose of affirmative action: to democratise access to opportunity and to restore the dignity of those long excluded from public life.

Ultimately, such language demonstrates the limits of a purely formal understanding of equality. The idea that equality is violated when the privileged are temporarily inconvenienced by redistributive justice misunderstands both the spirit and the structure of the constitutional order. The judiciary's task is not merely to safeguard the abstract equality of individuals, but to ensure that the Constitution's promise of justice, social, economic, and political, is meaningfully realised for all. To describe reservation as a compromise is to misread it. It is, in truth, a constitutional method of repair, a process of restoring balance to a deeply unbalanced society.

Subsequently, in other articulations of the equality jurisprudence, one finds a recurring "word of caution" against what the Court described as "excessive reservation":

"If state patronage for preferred treatment accepts caste as the only insignia for determining social and educational backwardness, the danger looms large that this approach alone would legitimise and perpetuate caste system." **(Justice D.A. Desai, concurring opinion in K.C. Vasanth Kumar v State of Karnataka (1985))**

"Word of caution against excess reservation was first pointed out in The General Manager, Southern Railway and another v. Rangachari, Gajendragadkar, J. giving the majority judgment said that reservation under Article 16(4) is intended merely to give adequate representation to backward communities. It cannot be used for creating monopolies or for unduly or illegitimately disturbing the legitimate interests of other employees. A reasonable balance must be struck between the claims of backward classes and claims of other employees as well as the requirement of efficiency of administration." **(Justice S.H. Kapadia, unanimous opinion in M. Nagaraj v Union of India (2005))**

"Classifications on the basis of castes in the long run has tendency of inherently becoming pernicious. Therefore, the test of reasonableness has to apply. When the object is elimination of castes and not perpetuation to achieve the goal of casteless society and a society free from discrimination of castes judicial review within the permissible limits is not ruled out. But at the same time compelling State interest can be considered while assessing backwardness. The impact of poverty on backwardness cannot be lost sight of. Economic liberation and freedom are also important." **(Justice Arijit Pasayat, concurring opinion in Ashoka Kumar Thakur v Union of India (2008))**

The reasoning often insisted that affirmative action should aim only to secure “adequate representation” for the backward classes, but must not go so far as to “disturb the legitimate interests of others” or “impair efficiency.” While moderation and balance are legitimate constitutional virtues, the problem lies in the presumption that reservation is an exception that must constantly justify itself against a supposed norm of administrative efficiency. By warning that excessive representation could amount to creating “monopolies,” the language subtly recasts historically disadvantaged communities as potential usurpers of privilege, a striking reversal of the social reality that the Constitution sought to address.

In another instance, the Court expressed concern that classifications on the basis of caste have an inherent tendency to become “pernicious” in the long run, warning that the ultimate goal should be the elimination, not the perpetuation, of caste. It reads the constitutional vision as if the pursuit of a casteless society requires immediate blindness to caste, rather than its conscious recognition and dismantling. The language transforms the very instrument of emancipation into a risk, suggesting that affirmative action, by naming caste, reinforces it. Such an argument confuses acknowledgment with perpetuation and overlooks the structural fact that caste survives not because it is constitutionally recognised, but because it is socially entrenched.

By suggesting that the “impact of poverty on backwardness cannot be lost sight of,” and that “economic liberation and freedom are also important,” the reasoning further shifts the axis of constitutional protection from social subordination to economic deprivation, which raises the issues addressed in the next part of this section.

Similarly, the suggestion that State patronage in favour of caste-based reservation may “perpetuate the caste system” if caste is the sole metric of backwardness suggests a fundamental misunderstanding of the nature of caste-based inequality. The caste system is not perpetuated by its legal recognition but by its social denial, by the illusion that one can address its effects without naming its cause. In all these formulations, a certain judicial ambivalence is visible, an unease with caste-conscious policy that conflates constitutional repair with social division. Yet the Constitution’s design of affirmative action does not treat the privileged as the baseline and the backward as the deviation. It treats the rectification of systemic disadvantage as integral to equality itself.

Thus, when the judiciary warns against the “pernicious tendency” of caste-based classification, or elevates efficiency and balance as limits on social justice, it inadvertently reproduces the very asymmetries it is meant to correct. The path to a casteless society lies not in refusing to see caste, but in confronting it until its material and moral power is dismantled. Judicial caution becomes constitutionally misplaced when it obscures the moral urgency of repair that lies at the core of India’s affirmative action architecture.

In later years, Justice Raveendran's reflections articulate a widely held anxiety that caste-conscious measures may paradoxically entrench caste rather than erode it. He said:

"Caste has divided this country for ages. It has hampered its growth. To have a casteless society will be realisation of a noble dream. To start with, the effect of reservation may appear to perpetuate caste. The immediate effect of caste-based reservation has been rather unfortunate. In the pre-reservation era people wanted to get rid of the backward tag—either social or economical. But post reservation, there is a tendency even among those who are considered as "forward", to seek the "backward" tag, in the hope of enjoying the benefits of reservations. When more and more people aspire for "backwardness" instead of "forwardness" the country itself stagnates. Be that as it may. Reservation as an affirmative action is required only for a limited period to bring forward the socially and educationally backward classes by giving them a gentle supportive push. But if there is no review after a reasonable period and if reservation is continued, the country will become a caste divided society permanently. Instead of developing a united society with diversity, we will end up as a fractured society forever suspicious of each other. While affirmative discrimination is a road to equality, care should be taken that the road does not become a rut in which the vehicle of progress gets entrenched and stuck. Any provision for reservation is a temporary crutch. Such crutch by unnecessary prolonged use, should not become a permanent liability. It is significant that the Constitution does not specifically prescribe a casteless society nor tries to abolish caste. But by barring discrimination in the name of caste and by providing for affirmative action Constitution seeks to remove the difference in status on the basis of caste. When the differences in status among castes are removed, all castes will become equal. That will be a beginning for a casteless egalitarian society." (**Justice R.V. Raveendran, concurring opinion in Ashoka Kumar Thakur v. Union of India (2008)**)

Yet this view rests on a normative premise that misunderstands both the logic of caste hierarchy and the constitutional architecture of affirmative action.

Firstly, the claim that reservation "perpetuates" caste conflates attention to caste with the existence of caste. Caste is not sustained because the Constitution recognises it. It is sustained because it structures the distribution of dignity, opportunity, and power in everyday life. Far from creating caste consciousness, reservation acknowledges a social reality that pre-exists the Constitution and seeks to remedy its effects.

Secondly, the characterisation of reservation as a temporary “crutch” understates the depth and persistence of structural exclusion. The Constitution does not view historical discrimination as a transient ailment, curable by a short infusion of benefits. Instead, it enshrines an enduring commitment to substantive equality.

Finally, a casteless society cannot be achieved by prematurely withdrawing the very instruments designed to dismantle caste. Affirmative action is not the cause of social division but a response to it.

Amidst the inconsistency that surrounds the judicial discourse on reservation, there are moments of remarkable clarity where the Court rises above the anxiety of balance and efficiency, and instead articulates the transformative promise that underlies the Constitution’s commitment to equality, as the extracts below demonstrate.

“The historical background of these rules justifies the classification of the personnel of the Scheduled Castes and Scheduled Tribes in service for the purpose of granting them exemption from special tests with a view to ensuring them the equality of treatment and equal opportunity in matters of employment having regard to their backwardness and under representation in the employment of the State.” **(Chief Justice A.N. Ray, lead opinion in *State of Kerala v. N.M. Thomas* (1976))**

“[T]he objective behind Clause (4) of Article 16 was the sharing of State power. The State power which was almost exclusively monopolised by the upper castes i.e., a few communities, was now sought to be made broad-based. The backward communities who were till then kept out of apparatus of power, were sought to be inducted there into and since that was not practicable in the normal course, a special provision was made to effectuate the said objective.” **(Justice B.P. Jeevan Reddy, lead opinion in *Indra Sawhney v. Union of India* (1992))**

“It is undeniable that nature has endowed merit upon members of the backward classes just as much as it has upon members of other classes; what is required is merely an opportunity to prove it. It cannot, therefore, be said that reservations are anti meritian. Merit there is even among the reserved candidates, and the small difference, that may exist at the stage of initial recruitment is bound to disappear in the course of time. These members too will compete with and improve their efficiency alongside others.” (sic) **(Justice B.P. Jeevan Reddy, lead opinion in *Indra Sawhney v. Union of India* (1992))**

*“In a more informal but substantive manner, the members of the Scheduled Castes and the Scheduled Tribes are often unable to climb up the ladder because of the stigma of incompetence held against candidates who are selected through reservation. The stereotype operates against them because they are externalized as “affirmative action beneficiaries” or “quota candidates”. The amendments recognize the discrimination through the operation of both human conduct and recruitment processes. They are an emphatic repudiation of the binary of reservation and merit.” (Chief Justice D.Y. Chandrachud, lead opinion in **State of Punjab v. Davinder Singh (2024)**)*

When the Court acknowledges that the classification of Scheduled Castes and Scheduled Tribes for differential treatment is “to ensure them equality of treatment and equal opportunity in matters of employment,” it situates reservation as a constitutional obligation, an act of restoration rather than preference. This articulation grasps the essential point that formal equality, if applied to an unequal society, merely perpetuates inequality. The differentiation in standards or procedures, therefore, is the mechanism through which the promise of equal citizenship becomes real.

The idea that equality and efficiency can coexist marks a jurisprudential departure from earlier framings that positioned them in opposition. Efficiency, in this view, does not depend on the exclusion of the marginalised but on the enlargement of opportunity, on the capacity of institutions to draw from the full social spectrum of talent and experience. This interpretation embodies the constitutional emphasis on substantive equality and suggests that true merit can only be cultivated in an environment where every social group, including those historically silenced, participates fully in the making of the public realm.

Equally welcome is the Court’s recognition that “nature has endowed merit upon members of the backward classes just as much as it has upon members of other classes.” This formulation decisively rejects the false dichotomy between merit and

reservation, a dichotomy that has long shadowed India's equality discourse. By emphasising that what is lacking is not ability but opportunity, the Court exposes how the language of merit has often been used to naturalise privilege. The observation that "the small difference that may exist at the stage of initial recruitment is bound to disappear in the course of time" acknowledges that so-called differences in competence are socially produced, not biologically or culturally inherent. It shifts the focus of merit from individual achievement to structural access, reaffirming that reservation is a pathway through which latent potential, suppressed by generations of exclusion, finds the institutional space to flourish. In doing so, the Court restores to the constitutional text its original moral dimension, that equality is not a contest of performance but a collective process of justice.

Together, these judicial articulations recognise that equality in a caste society cannot be secured by pretending that caste does not exist. It must be achieved by confronting and counteracting its effects. They also recognise that merit is not an individual possession but a social product, one that can only be meaningfully evaluated in a system where all citizens begin from comparable positions of dignity and access.

The next section considers judicial discourse that conceives of poverty, as opposed to caste, as the primary cause of backwardness.

C. On Poverty as the Primary Cause of Backwardness

*“Social backwardness is on the ultimate analysis the result of poverty, to a very large extent. The classes of citizens who are deplorably poor automatically become socially backward. They do not enjoy a status in society and have, therefore, to be content to take a backward seat. It is true that social backwardness which results from poverty is likely to be aggravated by considerations of caste to which the poor citizens may belong, but that only shows the relevance of both caste and poverty in determining the backwardness of citizens... “[B]ackwardness, social and educational, is ultimately and primarily due to poverty.” (Justice P.B. Gajendragadkar, unanimous opinion in **M.R. Balaji v. State of Mysore (1963)**)*

*“Chronic poverty is the bane of Indian Society. Market economy and money spinning culture has transformed the general behavior of the Society towards its members. Upper caste does not enjoy the status or respect, traditional, voluntary or forced any more even in rural areas what to speak of highly westernised urban society. The bank balance, the property holding and the money power determine the social status of the individual and guarantee the opportunity to rise to the top echelon... Therefore, a time has come to review the criterion for identifying socially and educationally backward classes ignoring the caste label. The only criterion which can be realistically devised is the one of economic backwardness.” (Justice D.A. Desai, concurring opinion in **K.C. Vasanth Kumar v. State of Karnataka (1985)**)*

*“Poverty knows no caste. Poor has no caste. It is an unfortunate class. It is a matter of common knowledge that the institution of caste is a peculiarity of Indian institution when there is considerable controversy amongst the scholars as to how the caste system originated in this country. Originally, there were four main castes known as Varnas... But it appears to have taken disastrous turn with difference of status of various castes. But passage of time shows that the occupational label has lost much of its significance. But at the same time, the poor and down trodden who belong to the caste of their own were the founders of poor.” (Justice Arijit Pasayat, in **Ashoka Kumar Thakur v. Union of India (2008)**)*

*“The whole object of reservation is to see that backward classes of citizens move forward so that they may march hand in hand with other citizens of India on an equal basis. This will not be possible if only the creamy layer within that class bag all the coveted jobs in the public sector and perpetuate themselves, leaving the rest of the class as backward as they always were... It is only those persons within that group or sub-group, who have come out of untouchability or backwardness by virtue of belonging to the creamy layer, who are excluded from the benefit of reservation.” (Justice R.F. Nariman, unanimous opinion in **Jarnail Singh v. Lachchmi Narayan Gupta (2018)**)*

The quoted statements reveal a persistent tension in Indian judicial discourse: some judgments recognise how the caste system entails backwardness, which leads to poverty and others reduce backwardness to poverty alone. Some judicial discourse dilutes the social realities of caste oppression and overlooks the vast empirical literature that situates caste as an autonomous and enduring axis of backwardness, and not merely correlated to poverty.¹⁹

The early articulation in **M.R. Balaji** that “social backwardness is ultimately and primarily due to poverty” is emblematic of this reductionist reasoning. It assumes that economic deprivation is the central and causal factor of social backwardness, while caste merely aggravates it. This formulation reverses the historical causation that underlies the caste system: caste hierarchy, not poverty, is the foundational source of social exclusion and economic inequality in India.²⁰ By treating caste as a secondary or incidental dimension of economic hardship, such reasoning fails to reflect how caste creates backwardness through endogamy, social exclusion, ritual degradation and denial of dignity. Backwardness is not created by poverty alone.

Justice Desai’s reasoning in **Vasanth Kumar** appears to lack empirical and sociological grounding. It assumes the decline of caste without accounting for its adaptability within modern institutions. As the research discussed on the next page shows, caste does not disappear with wealth. It has mutated, reasserting itself through subtler forms of exclusion, such as cultural practices and networks.²¹ The constitutional vision of social justice demands recognition of these facts.

Justice Pasayat’s assertion in **Ashoka Kumar Thakur** that “poverty knows no caste” and that “the poor and downtrodden were the founders of the poor” further dilutes the constitutional and sociological understanding of caste-based inequality. This

statement is factually ungrounded. To argue that “poverty has no caste” is to ignore the evidence (discussed below) that caste continues to determine occupational segregation, and patterns of land ownership. By invoking the “loss of significance” of occupational labels, the statement assumes a level of social mobility and occupational neutrality that simply does not exist in large parts of India, as demonstrated in the research discussed below. The rationale in *Jarnail Singh* that those who have “come out of untouchability” should no longer benefit from reservations ignores the fact that caste-based discrimination and social exclusion persist irrespective of income or occupation.

The empirical research discussed below suggests that wealth or professional status does not erase caste identity or the discrimination attached to it.

For instance, an empirical study on villages shows that one’s caste status significantly decided how they participated in the economy.²² It was found that Scheduled Castes/Dalits in these villages could not benefit from the “opportunities opened up by industrialisation” in the same way as the upper castes.²³ This is because, to be able to make use of such opportunities, it is essential to have a certain level of “human capital, material resources and networks”.²⁴ The Dalits, who were mostly landless agricultural labourers, lacked these privileges even compared to the non-Dalit landless agricultural labourers. This situation of Dalits is a “direct result” of their subordinate position in the agrarian economy.²⁵ Though there were some improvements— for instance, in terms of education— the “relative position” of Dalits compared to other castes “showed little sign of improvement” under industrialisation and urbanisation.²⁶

Similarly, another study on informal economy shows how caste-cum-trade associations regulate the economy.²⁷ For instance, those associations that control the

influential sectors of the local economy “operate independently of the state.”²⁸ They decide the wages, the form of employment contract (for instance, casual or permanent), working hours, manage labour disputes, fix prices for raw materials, divide business territories, and ensure collective physical security.²⁹ These economic roles of the caste associations are “exclusionary and collusive”, seeking their own welfare.³⁰

Not just in the informal economy, caste also determines one’s job prospects in private companies in urban areas. One of the greatest hindrances for a large majority of Dalit entrepreneurs is obtaining credit from formal institutions, such as banks and government agencies.³¹ Consequently, they had to rely on informal credit sources. These informal loans were often at very high interest rates and, in some cases, on unfavourable terms, such as supplying goods at ‘lower-than-market’ prices.³²

Many Dalit entrepreneurs reported that their caste identity superseded their professional identity, unlike non-Dalits who were known by the goods and services they provided.³³ This harmed their business, as they were considered ‘odd actors’ in fields traditionally dominated by other non-Dalit communities. One entrepreneur observed: *“[Consumers] feel we may not be able to deliver because we are traditionally not the ones who have been in business or possess enough resources to run a good business.”*³⁴

Similarly, many Dalit entrepreneurs faced hardships in finding a place for their business. For instance, 38 percent of the 118 respondents in Jodhka’s study operated from premises that were extensions of their homes in Dalit-dominated areas, while only 6 percent ran their business from ‘completely non-Dalit areas’ or main markets.³⁵

Because of these prejudices, some respondents “actively tried to conceal their caste identity.”³⁶

Finally, caste-based social networks play an important role in determining the basis on which one is included in the market. The upper-caste businesspeople who dominate specific sectors and sub-sectors of the market form powerful networks that work towards their advantage.³⁷ These networks control key resources, such as contacts for bulk orders and access to informal credit, and exclude Dalits from utilising these resources.³⁸ Not surprisingly, a recent study widely reported in the media found that “all else being equal, business income of a Dalit household is 15.9% lower, compared with other households that are similar” and this income gap is greater at higher levels of social capital.³⁹ Jodhka sums this up: “Caste is not a matter of past tradition or a value system that is incompatible with the contemporary market economy, but a reality—social and political—that continues to haunt the Dalit entrepreneurs.”⁴⁰ There are other similar studies.⁴¹ In fact, a review of over 250 studies on caste in organisational contexts shows that caste continues to disadvantage lower caste individuals in hiring and rewards, segregate occupations along caste lines with elite occupations dominated by high castes and low castes being relegated to menial professions, and limit development work in rural areas.⁴²

Thus, with very few material resources, restricted access to credit both in formal and informal institutions, exclusion from key sectors of the economy due to caste networks, discrimination in urban labour markets and unfavourable terms of work, the lower castes participate in the economy with several disadvantages that prevent their economic mobility.

In sum, these judicial formulations are largely devoid of empirical grounding and fail to engage with data or sociological evidence on how caste continues to reproduce inequality through non-economic means: marriage networks, segregation, cultural stigma and institutional bias.

In contrast to the previous judicial excerpts, the following extract indicates how judicial discourse can better reflect how caste is linked with poverty and backwardness:

“Any view of the caste system, class or cursory, will at once reveal the firm links which the caste system has with economic power... Social hierarchy and economic position exhibit an indisputable mutuality. The lower the caste, the poorer its member. The poorer the members of a caste, the lower the caste. Caste and economic situation, reflecting each other as they do are the Deus ex-Machina of the social status occupied and the economic power wielded by an individual or class in rural society. Social status and economic power are so woven and fused into the caste system in Indian rural society that one may without hesitation, say that if poverty be the cause, caste is the primary index of social backwardness, so that social backwardness is often readily identifiable with reference to a person's caste.” (Justice O. Chinnappa Reddy, concurring opinion in **K.C. Vasanth Kumar v. State of Karnataka (1985)**)

“[T]he primary consideration in identifying a class and in ascertaining the inadequate representation of that class in the services under the State under Article 16(4) is the social backwardness which results in educational backwardness, both of which culminate in economic backwardness.” (Justice S. Ratnavel Pandian, concurring opinion in **Indra Sawhney v. Union of India (1992)**)

We will see in the next part of this section how a judgment conceives the role of social and economic development in dismantling entrenched caste hierarchies.

D. Social and Economic Development

“[M]ere reservation of a percentage of seats in colleges and a percentage of posts in the services is not enough to solve the problem of backwardness. Developmental facility and opportunity must be created to enable the really backward to take full advantage of reservations. It indicates that the ultimate solution lies in measures aimed firmly at all round economic and social development... The further real danger is not reservation but reservation without general all round social and economic development.” (Justice O. Chinappa Reddy, concurring opinion in K.C. Vasanth Kumar v. State of Karnataka (1985))

This observation underscores a crucial shift from viewing reservations as a standalone corrective measure to recognising them as one element within a much broader architecture of social justice. By emphasising that “mere reservation” is insufficient, the opinion of Justice Chinnappa Reddy situates affirmative action within a developmental framework that requires the state to create substantive conditions enabling oppressed and backward communities to effectively utilise the opportunities offered to them. The invocation of “developmental facility and opportunity” expands the State’s constitutional responsibility beyond redistribution of posts or seats to include investments in schooling, nutrition, health, housing and other social determinants of capability.

In framing “all-round economic and social development” as the “ultimate solution,” the judgment implicitly recognises that reservation policies must operate within a larger developmental ecosystem. It also signals that equality cannot be achieved through only affirmative action, but it requires sustained structural transformation aimed at dismantling the conditions that reproduce caste-based backwardness. Thus, the judgment situates reservations as a necessary but incomplete tool within the broader constitutional project of fostering substantive, inclusive development. Together, they

form a mutually reinforcing framework: welfare policies build the foundational capabilities, and reservations provide the institutional pathways through which those capabilities can translate into mobility and empowerment.

Once the Court acknowledges that structural transformation demands interventions across multiple domains, the spotlight turns to the private sector, whose expanding influence on India's socio-economic landscape necessitates a closer assessment of its responsibility toward inclusive development. The next section highlights judicial discourse on this issue.

E. Responsibility of the Private Sector

“A method by which the private sector can substantively contribute to alleviate discrimination and inequality, is through its corporate social responsibility (CSR) programmes. CSR has been compulsory in India since 2013. These initiatives have taken two major forms: education of the under-privileged either through special schools or other programmes to support school-going children, and support to poor women through home-based work or micro-finance. While these measures are significant, there are other spheres where CSR could be directed, with even greater benefits. The definition and scope of CSR needs to be broadened to include measures to counteract the natural tendencies towards exclusion of certain groups. Private sector managements need to show sensitivity to societal patterns of exclusion and must consciously make an attempt not to fall prey [to] dominant social stereotypes, which penalize people due to their birth into stigmatizing jobs, even if they might be individually qualified and competent.”
(Justice S. Ravindra Bhat, concurring opinion in Jaishri Laxmanrao Patil v. The Chief Minister of Maharashtra (2021))

This extract draws attention to a crucial yet often overlooked reality: structural discrimination is reproduced not only through State institutions but equally through market practices and private governance. By situating CSR within the constitutional objective of reducing inequality, the Court reframes corporate responsibility from a charitable undertaking to a site where the private sector can meaningfully intervene in entrenched social hierarchies. The observation that most CSR efforts remain confined

to education and women's economic support suggests that while these initiatives have social value, they do not directly confront the caste-based exclusion embedded in hiring decisions, managerial attitudes, and workplace cultures.⁴³

The insistence that CSR must “counteract the natural tendencies towards exclusion” signals an important conceptual shift. It recognises that markets are not neutral. They mirror social prejudices and can entrench caste privilege unless deliberately corrected. The call for private sector sensitivity to patterns of stigma and inherited occupational hierarchy reflects a judicial understanding that competence and qualification are often overshadowed by deep-seated stereotypes that penalise individuals because of their caste identity.

In this sense, the opinion of Justice Bhat advances a more expansive vision of constitutional equality, that extends beyond the State to the structures of opportunity shaped by private actors. It suggests that achieving substantive equality in a liberalising economy requires not only affirmative action by the State but also proactive institutional reforms within the private sector that dismantle exclusion at its source.

Conclusion

This Report analysed judicial conceptions of caste by engaging in a sustained dialogue with the language, descriptions and interpretive choices that appear in key Supreme Court judgments. Rather than treating these statements as isolated observations, the Report examined them as part of a broader discursive landscape, that reveals how courts understand caste as a social structure, a constitutional category, and a site of historical injustice. Through this engagement, the Report analysed the assumptions that inform judicial reasoning, highlighted the shifts and tensions within the Court's discourse, and illuminated how judicial language shapes the constitutional imagination of equality, dignity and social justice.

This Report demonstrates that judicial engagement with caste is neither monolithic nor static. Instead, it reflects a spectrum of discursive approaches, ranging from traditional descriptions of *varna* and caste occupation to descriptions of caste as a structure of inherited and persistent disadvantage. It becomes clear that judicial descriptions of caste and of marginalised groups carry significant normative weight: they influence how the law imagines dignity, equality, merit, and the role of the State in undoing historical wrongs and facilitating inclusive development.

The Report also highlights moments where the Court has advanced a transformative vision of the Constitution, emphasising substantive equality, the centrality of dignity and the need for structural change. Equally, it acknowledges areas where judicial language has been limiting, where stereotypes have been reproduced, or where discourse demonstrates little appreciation for salient facts, such as the social construction of merit. This analysis suggests the importance of cultivating a judicial

vocabulary that is context-sensitive, historically informed, and aligned with constitutional values.

As India confronts enduring caste-based inequities, the judiciary's role remains crucial. Future judicial discourse must continue to reject outdated terminology, interrogate inherited assumptions, and engage with caste not as a relic of the past but as a continuing constitutional concern. A deliberate and reflective approach to language will enable the judiciary to articulate more nuanced understandings of caste, recognise structural disadvantage without resorting to deficit-based descriptions, and affirm the agency and dignity of oppressed communities. By adopting language that affirms dignity, recognises structural injustice and supports inclusive development, the Court can further strengthen the Constitution's transformative project and contribute to a more just and equal society.

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Appendix: List of Cases

1. State of Madras v. Srimathi Champakam Dorairajan, [1951] S.C.R. 525
2. General Manager, Southern Railway v. Rangachari, [1962] 2 S.C.R. 586
3. M.R. Balaji v. State of Mysore, [1963] Supp. 1 S.C.R. 439; 1962 INSC 279
4. T. Devadasan v. Union of India, [1964] 4 S.C.R. 680
5. R. Chitralekha and Another v. State of Mysore, [1964] 6 S.C.R. 6 368
6. C.A. Rajendran v. Union of India, [1968] 1 S.C.R. 721
7. State of Kerala v. N.M. Thomas, [1976] 1 S.C.R. 906
8. Principal, Guntur Medical College, Guntur v. Y. Mohan Rao, [1976] 3 S.C.R. 1046
9. K.C. Vasanth Kumar v. State of Karnataka, [1985] Supp 1 S.C.R. 352
10. Indra Sawhney v. Union of India, [1992] Supp 2 S.C.R 454
11. R.K. Sabharwal v. State of Punjab, [1995] 2 S.C.R. 35
12. Ajit Singh (II) v. State of Punjab, [1999] SUPP. 2 S.C.R. 521
13. E.V. Chinnaiah v. State of Andhra Pradesh, [2004] Supp. 5 S.C.R. 972
14. M. Nagaraj v. Union of India, [2006] Supp. 7 S.C.R. 336
15. Ashoka Kumar Thakur v. Union of India, [2008] 4 S.C.R. 1
16. Indian Young Lawyers Association v. State of Kerala, [2018] 9 S.C.R. 561
17. Jarnail Singh & Others v. Lachhmi Narain Gupta, [2018] 10 S.C.R. 663
18. Chebrolu Leela Prasad Rao v. State of Andhra Pradesh, [2020] 6 S.C.R. 28
19. Jaishri Laxmanrao Patil v. The Chief Minister of Maharashtra, [2021] 15 S.C.R. 715
20. Janhit Abhiyan v. Union of India, [2022] 14 S.C.R. 1
21. State of Punjab v. Davinder Singh, [2024] 8 S.C.R. 1321

References

-
- ¹ Marc Galanter, 'Law and Caste in Modern India' (1963) 3 Asian Survey 544.
- ² Supreme Court of India, Handbook Concerning Persons with Disabilities (Centre for Research & Planning, Supreme Court of India, September 2024) <<https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/09/2024092873.pdf>> accessed 20 November 2025.
- ³ L Jacobs, 'Access to Post-Secondary Education in Canada for Students with Disabilities' (2023) 23 International Journal of Discrimination and the Law 7, 7–28 <<https://doi.org/10.1177/13582291231174156>> accessed 20 November 2025.
- ⁴ Melinda C Hall, 'Critical Disability Theory', The Stanford Encyclopedia of Philosophy (Winter 2019 Edition), Edward N Zalta (ed) <<https://plato.stanford.edu/archives/win2019/entries/disability-critical/>> accessed 20 November 2025; Tess Sheldon, 'Entangling Liberty and Equality: Critical Disability Studies, Law and Resisting Psychiatric Detention' (2023) 46(1) Dalhousie Law Journal 265.
- ⁵ Supreme Court of India, Handbook Concerning Persons with Disabilities (Centre for Research & Planning, Supreme Court of India, September 2024) <<https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/09/2024092873.pdf>> accessed 20 November 2025.
- ⁶ A Hoag, 'Derrick Bell's Interest Convergence and the Permanence of Racism: A Reflection on Resistance' Harvard Law Review Blog (24 August 2020) <<https://harvardlawreview.org/blog/2020/08/derrick-bells-interest-convergence-and-the-permanence-of-racism-a-reflection-on-resistance/>> accessed 20 November 2025.
- ⁷ Hari Bapuji, Snehanjali Chrispal, Pardeep Singh Attri, Gokhan Ertug and Vivek Soundararajan, 'An Integrative Review of Management Research on Caste: Broadening Our Horizons' (2024) 18(2) Academy of Management Annals 506.
- ⁸ Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) University of Chicago Legal Forum 139 <<http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>> accessed 20 November 2025.
- ⁹ Akhil Bharatiya Soshit Karamchari Sangh (Railway) v Union of India, (1981) 1 SCC 246; State of Kerala v N M Thomas, (1976) 2 SCC 310.
- ¹⁰ Ministry of Home Affairs, Government of India, 'Letter dated 10 February 1982 to Chief Secretaries of all State Governments and Union Territory Administrations'.
- ¹¹ 'Use of Harijan is Abusive, says Supreme Court' Deccan Chronicle (26 March 2017) <<https://www.deccanchronicle.com/nation/current-affairs/260317/use-of-harijan-is-abusive-says-supreme-court.html>> accessed 20 November 2025.
- ¹² Richard Delgado and Jean Stefancic, Critical Race Theory: An Introduction (3rd edn, New York University Press 2017).
- ¹³ A Kumar, 'Unequal Spaces: An In-depth Analysis of Caste Discrimination in Indian Universities' (2024) 22(2) Contemporary Education Dialogue 200

<<https://doi.org/10.1177/09731849241292863>> accessed 20 November 2025 (original work published 2025).

¹⁴ Thorat Committee, 'Caste Discrimination in AIIMS' (2007) 42(22) Economic & Political Weekly.

¹⁵ D Bhoi, 'Caste, Mental Health and Self-Harm: Emotive Experiences of Dalit Students at the Indian University' (2025) Contemporary South Asia 1 <<https://doi.org/10.1080/09584935.2025.2536247>> accessed 20 November 2025.

¹⁶ S Khora, 'Removing Discrimination in Universities: Situating Rohith Vemula's Suicide' (2016) 51(6) Economic & Political Weekly.

¹⁷ 'Dalit IPS Officer Takes Out Wedding Procession Under Police Watch in Rajasthan' NDTV (Jaipur, 15 November 2024) <<https://www.ndtv.com/india-news/dalit-ips-officer-takes-out-wedding-procession-under-police-watch-in-rajasthan-2776376>> accessed 20 November 2025.

¹⁸ Michael J Sandel, *The Tyranny of Merit: What's Become of the Common Good?* (Penguin UK 2020); Ajantha Subramanian, *The Caste of Merit: Engineering Education in India* (Harvard University Press 2019).

¹⁹ Sukhadeo Thorat, S Madheswaran and B P Vani, *Scheduled Castes in the Indian Labour Market: Employment Discrimination and Its Impact on Poverty* (Oxford University Press 2023).

²⁰ Hari Bapuji and Snehanjali Chrispal, 'Understanding Economic Inequality through the Lens of Caste' (2020) 162 *Journal of Business Ethics* 533.

²¹ Hari Bapuji, Kanchan Gupta, Snehanjali Chrispal and Thomas Roulet, 'What Managers Everywhere Must Know About Caste' (2023) 65(2) *MIT Sloan Management Review*.

²² Judith Heyer, 'The Marginalisation of Dalits in a Modernising Economy' in Barbara Harriss-White and Judith Heyer (eds), *The Comparative Political Economy of Development: Africa and Asia* (Routledge 2009) 225.

²³ *ibid* 225.

²⁴ *ibid* 236.

²⁵ *ibid*.

²⁶ *ibid* 240.

²⁷ Barbara Harriss-White, *India Working: Essays on Society and Economy* (CUP 2003) 176.

²⁸ *ibid* 184.

²⁹ *ibid*.

³⁰ *ibid* 186.

³¹ Surinder Jodhka, 'Dalits in Business: Self-Employed Scheduled Castes in North-West India' (2010) 45 *Economic and Political Weekly* 41, 48; Aseem Prakash, *Dalit Capital: State, Markets and Civil Society in Urban India* (Routledge 2015).

³² *Ibid*

³³ *Ibid*.

³⁴ Surinder Jodhka, 'Dalits in Business: Self-Employed Scheduled Castes in North-West India' (2010) 45 *Economic and Political Weekly* 41, 47.

³⁵ *ibid* 46

³⁶ Ibid 47.

³⁷ Aseem Prakash, *Dalit Capital: State, Markets and Civil Society in Urban India* (Routledge 2015), 96.

³⁸ Ibid.

³⁹ P Raj, T J Roulet and H Bapuji, 'It's Not Who You Know, But Who You Are: Explaining Income Gaps of Stigmatized-Caste Business Owners in India' (2024) 19(8) PLOS ONE e0307660.

⁴⁰ Surinder Jodhka, 'Dalits in Business: Self-Employed Scheduled Castes in North-West India' (2010) 45 *Economic and Political Weekly* 41, 46.

⁴¹ Ashwini Deshpande, *The Grammar of Caste: Economic Discrimination in Contemporary India* (Oxford University Press 2011) 57-105; D Ajit and others, 'Corporate Boards in India: Blocked by Caste?' (2012) 47 *Economic and Political Weekly* 39; Surinder S Jodhka and Katherine Newman, 'In the Name of Globalisation: Meritocracy, Productivity and the Hidden Language of Caste' (2007) 42 *Economic and Political Weekly* 4125.

⁴² Hari Bapuji, Snehanjali Chrispal, Pardeep Singh Attri, Gokhan Ertug and Vivek Soundararajan, 'An Integrative Review of Management Research on Caste: Broadening Our Horizons' (2024) 18(2) *Academy of Management Annals* 506.

⁴³ Ibid