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Judicial Push Against Caste Discrimination in Prisons: Analysing the Supreme Court's Latest Directives for Legal Reform

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Abstract: In response to the recent directions issued by the Supreme Court of India addressing caste-based discrimination in prisons, both the Model Prison Manual, 2016 and the Model Prisons and Correctional Services Act, 2023 have undergone critical amendments. These changes mandate prison authorities to ensure that no discrimination, segregation, or classification of inmates occurs on the basis of caste. Importantly, the allocation of prison duties and work assignments must now also adhere strictly to principles of equality, without any caste-based bias. A noteworthy legislative addition is Section 55(A) under the 'Miscellaneous' chapter of the 2023 Act, titled "Prohibition of Caste-Based Discrimination in Prisons and Correctional Institutions." This paper explores the pervasiveness of caste-based discrimination issue within Indian prisons and offers a critical analysis of how several State prison manuals institutionalize practices that starkly violate the constitutional guarantees enshrined in Articles 14, 15, 17, 21, and 23. The study also examines the relevance of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, emphasizing its binding application within the prison framework. Special attention is given to the transformative legal developments triggered by the Supreme Court's judgment in *Sukanya Santha v. Union of India* (2024), marking a significant moment in the ongoing pursuit of equitable prison reforms in India.

Keywords: caste-based discrimination, unconstitutional practices, articles 14,15,17,21 and 23, Supreme Court directions, prison manual amendment.

INTRODUCTION

Casteism and untouchability continue to permeate Indian prisons, reflecting the deeply entrenched social hierarchies prevalent across the country. These discriminatory practices are not confined to adults alone; children, too, fall victim to caste-based bias, whether in schools, playgrounds, or correctional institutions. Documented instances reveal that Scheduled Caste children have been segregated during mid-day meals, compelled to clean school toilets, or relegated to the back of classrooms at the

behest of teachers, underscoring the systemic nature of caste-based exclusion.

This paper specifically addresses the issue of caste-based discrimination within prison systems across various Indian states. Numerous provisions embedded within state prison manuals and rules perpetuate differential treatment of inmates based on caste identity. Discrimination manifests in multiple forms, including: (1) caste-based assignment of manual labor; (2) segregation of barracks; and (3) special provisions targeting

individuals from Denotified Tribes and those classified as "habitual offenders."

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Existing Legal Framework Addressing Caste-Based Discrimination

India's constitutional and statutory framework strongly prohibits caste-based discrimination, including in custodial and carceral settings. Article 14 of the Constitution guarantees equality before the law and the equal protection of the laws. Article 15(1) further prohibits the State from discriminating against any citizen on the grounds of religion, race, caste, sex, or place of birth. Most significantly, Article 17 abolishes untouchability in all its forms and forbids its practice, placing a constitutional embargo on caste-based exclusion.

As mandated by the constitution, untouchability has been judicially enforced. In *State of Karnataka v. Appa Balu Ingale*, the Apex Court held that the constitutional abolition of untouchability under Article 17 is enforceable against private individuals and the State, noting that "[u]ntouchability is not a matter between one individual and another but a manifestation of the social stratification of a caste-ridden society." The Court emphasized that discrimination rooted in untouchability offends the dignity of the individual and violates the basic structure of the Constitution.

To operationalize this constitutional mandate, Parliament enacted the Protection of Civil Rights Act, 1955 (PCR Act), which penalizes the preaching and practice of untouchability and all discriminatory conduct connected therewith. The Act criminalizes denial of access to public spaces, refusal of services, and other forms of caste-based exclusion, and imposes penalties on both individuals and institutions found guilty of such conduct.

Recognizing the systemic violence and social exclusion faced by the Scheduled Castes and Scheduled Tribes, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

(PoA Act) was enacted to address structural inequalities. The Act not only defines specific atrocities—ranging from social boycotts to physical assaults—but also provides for enhanced punishment, preventive measures, and the establishment of Special Courts to ensure expeditious trial and justice delivery.

Over the years, courts have consistently upheld the constitutional and statutory protections available to marginalized communities. The Supreme Court, in *Subhash Kashinath Mahajan v. State of Maharashtra*, reaffirmed the need for robust implementation of the PoA Act, despite raising procedural safeguards, and reiterated the social purpose of the legislation in countering historical injustices. These constitutional provisions and statutory instruments collectively constitute a framework that obligates the State to eliminate caste-based discrimination—including within prisons—through preventive, punitive, and reformative measures.

The Complaints.

A writ petition was filed before the Supreme Court of India challenging the continued use—and potential misuse—of the term "habitual offenders" in certain State prison manuals, particularly with respect to its discriminatory application against members of Denotified Tribes (DNTs). The petition sought judicial clarification and intervention to prevent the stigmatization and systemic targeting of DNTs under vague and overbroad definitions found in prison regulations across multiple states.

Although the Ministry of Home Affairs had issued the Model Prison Manual for the Superintendence and Management of Prisons in India, 2003, and later updated it with the Model Prison Manual, 2016, both of which were circulated to all States and Union Territories (UTs), the ground-level implementation has been inconsistent. Notably, the 2016 Manual explicitly prohibits caste- and religion-based discriminatory practices within prisons. However, numerous State-level prison regulations continue to include provisions that either enable or fail to prevent discriminatory treatment, particularly against historically marginalized communities.

Recognizing the persistence of such practices, the Ministry of Home Affairs, through the office of the Deputy Secretary (PR & ATC), issued a formal Advisory on February 26, 2024, addressed to the Principal Secretaries (Home/Jails) and the Director Generals/Inspectors General of Prisons of all States and UTs. The Advisory urged State authorities to ensure that their respective Prison Acts and Prison Manuals do not retain or introduce any provisions that enable discrimination based on caste, tribe, or religion.

Nonetheless, the legal complexity is compounded by the federal structure of governance. (Under Entry 4 of List II (State List) of the Seventh Schedule of the

Constitution of India, “prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein”) fall within the exclusive legislative competence of the States. As a result, uniform implementation of centrally issued guidelines, including the Model Prison Manual, often faces constitutional and administrative limitations.

The Interpretation of the Constitution

The Constitution of India reflects the vision of its founders to give India a collective future based on the values of liberty, equality, and fraternity. The Constitution mandates a more just and inclusive society, where every citizen has the opportunity to thrive. It envisages that the values embedded in its provisions are not just aspirations but lived realities. Any interpretation of the Constitution must be reflective of the blueprint laid down by its founders. The Constitution is – as Granville Austin put it— a “social document” and a “modernizing force”, with its provisions embodying “humanitarian sentiments”. The interpretation of the Constitution is not static. It has evolved with time to give recognition to a broader spectrum of rights to the citizens, as well as to impose additional safeguards against excesses of the State or even private entities, as the case may be. Over the last seventy-five years, the Supreme Court has recognized new rights such as the right to education, the right to privacy, and the right against the adverse impact of climate change, among others. It was explicitly mentioned in the original text, have been interpreted as inherent to the broader principle of the right to life which the Constitution enshrines. The Constitution must serve as a robust framework for safeguarding the rights of citizens and maintaining the delicate balance between authority and individual freedom.

The Supreme Court of India observed that the Constitution recognizes the dignity and individual autonomy inherent in all citizens and their right to life and personal liberty. Liberty and autonomy advance the cause of human dignity. Individual autonomy is the ability to make decisions on matters that impact one’s life. When individuals are granted the freedom to make choices about their own lives, they are empowered to take control of their destinies, and express their identities, in the “pursuit of happiness” without undue interference. This freedom fosters a sense of self-worth and respect, thereby recognizing individual dignity. By safeguarding these principles, we ensure that the intrinsic worth of every human being is recognized and upheld. The right to life cannot be restricted except through a law which is “substantively and procedurally fair, just and reasonable”.

While discussing the case *Sukanya Santha v. Union of India*, the Supreme Court reiterated, “Our interpretation of the Constitution must fill the silences in its text. The framers of the Constitution

could not have anticipated every situation that might arise in the future. They also intentionally left certain decisions to the discretion of future generations. However, the choices we make today must align with the broader constitutional framework and values. In filling the gaps, whenever they arise, our interpretation must enhance the foundational values of the Constitution such as equality, dignity, liberty, federalism and institutional accountability. Our interpretation must adhere to the postulate that “civil and political rights and socio-economic rights.” Our analysis must be based on a holistic reading of the provisions of the Constitution. The Constitution envisages that courts act as institutions which discharge the responsibility of protecting constitutionally entrenched rights. Courts are neutral institutions, whose primary function is to apply the law fairly and consistently. Transparency in processes also enhances public confidence in the system. In their role as neutral institutions, courts also act as a check on the other branches of government, ensuring that their actions conform to constitutional and legal standards. The Constitution mandates that laws enacted in the colonial era should align with its provisions.

The Constitution mandates the replacement of fundamental wrongs with fundamental rights. Through its provisions, it displaced a centuries-old caste-based hierarchical social order “that did not recognize the principle of individual equality”. It negated the ideals of social hierarchy. The Constitution is the embodiment of the aspirations of the millions of caste-oppressed communities, which hoped for a better future in independent India. To summarize, the “Constitution, by its very existence, was a social revolutionary statement.”

The vision laid down by Dr. Ambedkar, Jaipal Singh Munda, H.J. Khandekar, and Dakshayani Velayudhan, among others, emphasizes that there shall be no discrimination in the country. The Constitution envisions a society where there is no room for anyone to feel superior to another citizen.

This underlying philosophy of the Constitution has been highlighted by this Court in several judgments. Chief Justice S.M. Sikri, in his opinion in *Kesavananda Bharati v. State of Kerala*, held that the objective of various provisions of the Constitution is to build “a welfare State and an egalitarian social order in our country”, and “to bring about a socio-economic transformation based on principles of social justice”. Referring to Part III of the Constitution, the judgment stated that the founders were “anxious that it should be a society where the citizen will enjoy the various freedoms and such rights a Justice Krishna Iyer in his concurring opinion in *State of Kerala v. N.M.Thomas* called the Constitution “a great social document, almost revolutionary in its aim of transforming a medieval, hierarchical society into a modern, egalitarian democracy”. In *Indian Medical*

Association v. Union of India, the Court held that “various aspects of social justice, and an egalitarian social order, were also inscribed, not as exceptions to the formal content of equality but as intrinsic, vital and necessary components of the basic equality code itself.

The Supreme Court held in Justice K.S. Puttaswamy v. Union of India that the “vision of the founding fathers was enriched by the histories of suffering of those who suffered oppression and a violation of dignity both here and elsewhere”. Justice DY Chandrachud authored the plurality opinion, holding that the interpretation of the Constitution must keep evolving to facilitate justice for the citizens. In Navtej Singh Johar v. Union of India, the Court while dealing with the validity of a colonial provision (Section 377 of the Penal Code), held.

that the Constitution envisages that every person enjoys equal rights which enable him/her to grow and realize his/her potential as an individual. The Court also acknowledged that “throughout history, socio-cultural revolts, anti-discrimination assertions, movements, literature and leaders have worked at socializing people away from supremacist thought and towards an egalitarian existence.” In that backdrop, the Indian Constitution “was an attempt to reverse the socializing of prejudice, discrimination, and power hegemony in a disjointed society”.

The Court, in Indian Young Lawyers Association v. State of Kerala, described the anti-caste vision of the Constitution. Justice DY Chandrachud wrote a concurring opinion, noting that: “Besides the struggle for independence from the British rule, there was another struggle going on since centuries and which still continues. That struggle has been for social emancipation. It has been the struggle for the replacement of an unequal social order. It has been a fight for undoing historical injustices and for righting fundamental wrongs with fundamental rights. It is the foundational document, which in text and spirit, aims at social transformation, namely, the creation and preservation of an equal social order. The Constitution represents the aspirations of those, who were denied the basic ingredients of a dignified existence. It contains a vision of social justice and lays down a roadmap for successive governments to achieve that vision. The document sets out a moral trajectory, which citizens must pursue for the realisation of the values of liberty, equality, fraternity and justice. It is an assurance to the marginalised to be able to rise to the challenges of human existence...” The Constitution thus stands as a testament to the fight against historical injustices and for the establishment of an egalitarian social order. It aims to prevent caste-based discrimination. This commitment is not limited to preventing discriminatory actions by the State alone. It extends

to the actions of citizens and private entities as well. It empowers the State to enact appropriate legislation or take executive measures to tackle caste-based discrimination.

Article 14 guarantees that the “State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.” Equality is a crucial aspect of the constitutional vision. Immediately after the adoption of the Constitution, this Court laid down the standard to test the validity of laws against Article 14. In a Constitution Bench decision in Chiranjit Lal Chowdhuri v. Union of India Justice B.K. Mukherjea articulated that a classification under Article 14 “should never be arbitrary”. It was held that such classification must always “rest upon some real and substantial distinction bearing a reasonable and just relation to the things in respect to which the classification is made”. If a classification is “made without any substantial basis”, it should be “regarded as invalid”. The principle of classification was reiterated in a subsequent Constitution Bench decision in State of Bombay v. F. N. Balsara. Later, a seven-judge Bench decision in State of West Bengal v. Anwar Ali Sarkar solidified the requirement of the twin test under Article 14. Adding to the above principles, Justice S.R. Das, in Ram Krishna Dalmia v. Justice S.R. Tendolkar, held that the classification “may be founded on different bases, namely, geographical, or according to objects or occupations or the like”, but it needs to have a reasonable nexus with the object of the statute. It was held that “Article 14 condemns discrimination not only by a substantive law but also by a law of procedure”.

Anti-Discrimination Jurisprudence under Article 15(1)

The evolving constitutional jurisprudence of the Supreme Court of India consistently affirms that discriminatory laws, whether overt or covert, are antithetical to the principles of a democratic society. The Court has struck down statutory provisions rooted in prejudice and stereotyping in a series of landmark judgments. In Anuj Garg v. Union of India, Navtej Singh Johar v. Union of India, Joseph Shine v. Union of India, and Indian Young Lawyers Association v. State of Kerala, the Court invalidated laws that perpetuated regressive norms and undermined the autonomy and equality of marginalized groups.

In addition, judgments such as National Legal Services Authority v. Union of India (NALSA) and Babita Puniya v. Union of India recognized the inherent dignity, aspirations, and equal rights of historically excluded communities, including transgender persons and women in the armed forces. The Court has also developed the jurisprudence around indirect and systemic discrimination in

decisions such as *Lt. Col. Nitisha v. Union of India*, emphasized the affirmative responsibility of the State to eliminate discrimination in *Karma Dorjee v. Union of India*, and addressed harmful stereotyping in *Nipun Malhotra v. Union of India*.

From this body of jurisprudence, several core principles under Article 15(1) of the Constitution emerge:

1. Discrimination may be either direct or indirect, or a combination of both.
2. Even facially neutral laws may disproportionately affect marginalized social groups, resulting in indirect discrimination.
3. The use of stereotypes can exacerbate existing forms of discrimination against vulnerable communities.
4. The State bears a positive constitutional obligation to prevent discrimination against historically disadvantaged groups.
5. Legal provisions that rely on stereotypes and result in harm or disadvantage—whether directly or indirectly—are impermissible under the constitutional framework.
6. Courts are duty-bound to consider claims of indirect and systemic discrimination.
7. The applicable standard for assessing such claims has been laid down in authoritative decisions, most notably in *Lt. Col. Nitisha*.

These principles reinforce a substantive vision of equality that extends beyond formal non-discrimination to address structural inequities and enable meaningful inclusion.

Article 17 of the Constitution provides that: “‘Untouchability’ is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of ‘Untouchability’ shall be an offence punishable in accordance with law.” This provision has a special place in the Constitution. It puts an end to the socially discriminatory practice of “untouchability”. Untouchability and caste discrimination led to “severe social and economic disabilities and cultural and educational backwardness” of the untouchables. Throughout history, “the oppressive nature of the caste structure has denied to those disadvantaged castes the fundamentals of human dignity, human self-respect and even some of the attributes of the human personality.

Article 17 and the Constitutional Framework Against Caste-Based Discrimination

Article 17 of the Constitution of India is a cornerstone in the fight against caste-based discrimination. It comprises several interlinked components: it abolishes the practice of “untouchability”, prohibits

its manifestation in any form, and further declares that enforcing any disability arising from “untouchability” constitutes a criminal offence under applicable law. Here, the term “law” refers to any legislation enacted by Parliament to eradicate practices or social disabilities associated with untouchability, including but not limited to the Protection of Civil Rights Act, 1955.

Importantly, Article 17 is applicable not only against the State but also against non-State actors, such as private individuals and institutions. The framers of the Constitution deliberately refrained from associating the term “untouchability” with any specific religion or community, thereby ensuring its universal and secular application. The provision’s enforcement mechanism was intentionally removed from the legislative domain of the States and placed within the exclusive competence of Parliament, thereby underscoring its fundamental and non-negotiable nature.

domain of the States and placed within the exclusive competence of Parliament, thereby underscoring its fundamental and non-negotiable nature.

In his concurring opinion in *State of Karnataka v. Appa Balu Ingale*, Justice K. Ramaswamy articulated the transformative vision behind Article 17. He noted that its purpose is “to liberate society from blind and ritualistic adherence to traditional beliefs that have lost all legal or moral legitimacy.” The provision, he emphasized, seeks to construct a new social order based on equality, offering Dalits the dignity of full and equal citizenship and allowing them to participate meaningfully in the mainstream of national life.

Justice D.Y. Chandrachud further elaborated on the constitutional philosophy of Article 17 in his concurring opinion in *Indian Young Lawyers Association v. State of Kerala*. He affirmed that Article 17 was included in the chapter on Fundamental Rights not only to abolish untouchability but also to fulfill the broader constitutional mandate of substantive equality and human dignity.

Prison Jurisprudence and the Rights of the Marginalized

The Supreme Court’s prison jurisprudence has consistently affirmed that incarceration does not extinguish constitutional rights. In *Sunil Batra v. Delhi Administration (Sunil Batra I)*, a Constitution Bench took serious note of the inhuman treatment of undertrial prisoners, convicts, and death row inmates. Justice V.R. Krishna Iyer famously observed that no prison authority enjoys immunity from constitutional accountability, and that “a forced farewell to fundamental rights” constitutes an institutional outrage in a legal system that upholds the rule of law above prison walls and iron bars.

In *Charles Sobhraj v. Superintendent, Central Jail, Tihar*, the Court once again underscored the

constitutional protections available to prisoners. Justice Krishna Iyer emphasized that while prisons may create rational classifications for vocational, educational, or work assignments, any distinction made on grounds such as caste, class, or economic status is constitutionally impermissible. He reminded that prisoners retain all fundamental rights enjoyed by free citizens, save for those necessarily restricted due to lawful confinement. These rights—particularly under Articles 14, 19, and 21—are not static and must rise to meet the demands of justice in challenging situations.

Similarly, in *Kishore Singh Ravinder Dev v. State of Rajasthan*, the Court condemned the infliction of physical torture on undertrial prisoners as a direct violation of Article 21 of the Constitution. The judgment called upon the State to "re-educate the constabulary", eradicating brutal practices and fostering a culture of respect for the human person. It warned against police solidarity shielding misconduct, noting that there is no greater threat to constitutional values than a public official acting with impunity and violating fundamental rights. The Court poignantly asked: "Who will police the police?", thereby calling for institutional reform and enhanced accountability mechanisms within law enforcement agencies.

Taken together, Article 17's constitutional mandate and the Court's progressive interpretation of prisoners' rights establish a strong normative framework against caste-based and systemic discrimination—both within society and inside carceral institutions. The jurisprudence calls for proactive obligations on the part of the State, a deep examination of indirect discrimination, and a commitment to substantive equality, especially for those historically marginalized.

Dignity and Duty of Care: Prisoners' Rights under Article 21

In *Nilabati Behera v. State of Orissa*, the Supreme Court underscored the grave constitutional responsibility borne by police and prison authorities to ensure that individuals in their custody are not deprived of their right to life, except in accordance with due process of law. While the nature of incarceration necessarily imposes restrictions on personal liberty, the residual rights and limited freedoms retained by detainees become even more precious and demand heightened protection. The Court held that when a person in custody dies due to causes not sanctioned by law, the individual wrongdoer may be held liable, but the ultimate constitutional accountability lies with the State.

The broader jurisprudence emerging under Article 21 establishes that prisoners do not shed their fundamental rights at the prison gate. Even while serving sentences or undergoing trial, they continue to possess the inherent dignity of the human person,

which must be respected by all agents of the State. The constitutional guarantee under Article 21 imposes a non-negotiable duty on the State to treat prisoners humanely and to prohibit any form of cruelty or degrading treatment.

Law enforcement and prison personnel are therefore bound not to resort to excessive, arbitrary, or disproportionate measures against those in custody. Additionally, the prison administration has an affirmative obligation to account for the physical and mental well-being of inmates, particularly in cases where prisoners suffer from disabilities or special needs. In such circumstances, reasonable accommodation must be made to preserve their dignity, facilitate access to support, and prevent any exacerbation of their vulnerabilities. The constitutional commitment to humane treatment does not diminish behind bars—it becomes all the more critical within them.

Conclusion and Suggestions

The persistence of caste-based discrimination within India's prisons remains a grim reflection of the deep-rooted social hierarchies that continue to influence institutional practices. Despite constitutional guarantees under Articles 14, 15, 17, and 21, and the progressive jurisprudence developed by the Supreme Court, particularly in *Sukanya Santha v. Union of India* (2024), several State prison manuals still retain provisions that enable discriminatory treatment—most notably through segregation of barracks, caste-based allocation of prison labour, and stigmatizing classifications such as "habitual offenders" disproportionately applied to Denotified Tribes.

The constitutional vision underpinning Article 17 does not merely prohibit overt untouchability; it mandates the dismantling of all forms of exclusion, both direct and systemic. In this light, caste-based discrimination in prisons is not only a violation of individual dignity but also an institutional betrayal of constitutional morality. Supreme Court decisions in *Appa Balu Ingale*, *Indian Young Lawyers Association*, *Lt. Col. Nitisha*, and *Nipun Malhotra* reinforce the State's positive obligation to prevent discrimination, address structural inequality, and ensure meaningful equality even in custodial settings.

The amendments to the Model Prison Manual, 2016 and the Model Prisons and Correctional Services Act, 2023, particularly the introduction of Section 55(A), are welcome developments. However, implementation at the State level remains fragmented due to prisons being a State subject under Entry 4, List II of the Constitution. Uniform enforcement and accountability mechanisms are, therefore, essential.

Suggestions:

1. **Mandatory Adoption of Model Provisions:** All States and Union Territories should be required to adopt the anti-discriminatory

- provisions of the Model Manual and 2023 Act without dilution or delay.
2. **Review and Revision of State Prison Manuals:** A time-bound review of existing prison rules must be undertaken to identify and remove any provisions that are casteist, stigmatizing, or violative of constitutional rights.
 3. **Sensitization and Training:** Prison officials and law enforcement personnel must undergo regular training on caste sensitivity, constitutional rights, and inclusive custodial practices.
 4. **Monitoring and Redress Mechanisms:** Independent oversight bodies should be empowered to receive, investigate, and act upon complaints of caste-based discrimination in prisons.
 5. **Legislative Clarity on 'Habitual Offenders':** States must define the term "habitual offenders" with precision to prevent its misuse against marginalized communities, especially Denotified Tribes.
 6. **Affirmative Support for Vulnerable Prisoners:** Special provisions must be made to protect the rights of disabled, Dalit, Adivasi, and other vulnerable inmates, ensuring dignified treatment and adequate support systems.
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The judiciary's leadership must now be matched by legislative will and administrative reform to ensure that India's prisons become sites of justice, not instruments of social exclusion.

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