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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

EFFECT OF SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 IN COMBATING CASTE BASED VIOLENCE IN INDIA.

AUTHORED BY - JAYESH P

Abstract:

This research paper explores the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which aims to protect marginalized communities in India from caste-based violence and discrimination. Despite its significant legal framework, the Act faces persistent challenges, including underreporting of crimes, low conviction rates, and societal resistance. The paper examines the Act's key provisions, implementation challenges, and landmark judgments that have shaped its effectiveness. It highlights the need for comprehensive reforms, enhanced victim protection, and societal change to address the deep-rooted issues of caste discrimination. Ultimately, it advocates for a multifaceted approach to create an equitable society for all.

Statement of Problem:

The statement of the problem in this research paper is the persistent and widespread issue of caste-based violence and discrimination in India, despite the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. While the Act was introduced to curb atrocities against Dalits and Adivasis, its implementation has faced significant challenges. Victims of caste-based violence often struggle to access justice due to systemic barriers, including delays in legal processes, reluctance of law enforcement to register cases, social stigmatization, and the influence of dominant caste groups.

Research Objectives:

- (i) Provide a detailed overview of the Act's key provisions and significant amendments.
- (ii) Assess how the Act is enforced by law enforcement agencies and special courts, including the outcomes of notable cases.

- (iii) Explore the obstacles faced in the implementation of the Act, such as underreporting, systemic biases, and misuse claims.

Research Problem:

- (i) Continued prevalence of atrocities against Scheduled Castes (SCs) and Scheduled Tribes (STs) despite the law.
- (ii) Failures in enforcement, such as delays in legal proceedings, underreporting of crimes, and reluctance of authorities to register cases.
- (iii) Weak victim protection mechanisms, which leave victims and witnesses vulnerable to further abuse or societal pressure

Introduction:

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is a landmark piece of legislation in India aimed at addressing and eradicating caste-based discrimination and violence. Enacted to protect the marginalized communities of Scheduled Castes and Scheduled Tribes, the Act criminalizes a wide range of discriminatory practices and atrocities, including physical violence, social ostracism, and economic exploitation. With provisions for special courts and stringent penalties, the Act seeks to provide justice and safeguard the rights of these vulnerable groups. Despite its robust framework, challenges in implementation and enforcement persist, necessitating ongoing scrutiny and reform to ensure its effectiveness.¹

Caste-based discrimination and violence remain deep-rooted problems in India, despite constitutional guarantees and legislative measures aimed at eradicating these issues. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was enacted as a critical tool to combat atrocities against marginalized communities, specifically Dalits (Scheduled Castes) and Adivasis (Scheduled Tribes). The Act provides comprehensive protections and severe penalties for caste-based crimes, including physical violence, social exclusion, and discrimination in public and private spheres. However, more than three decades after its implementation, caste-based violence persists across many regions, raising concerns about the effectiveness of the law in achieving its goals.

The main objective of the Act was to create a robust legal framework that would address caste

¹ Alka Maurya, *A Critical Analysis of Scheduled Castes in India*, 6 INT'L J.L. MGMT. & HUMAN. 704 (2023).

violence, provide justice to victims, and serve as a deterrent to future atrocities. It also mandates the establishment of special courts, appointment of special prosecutors, and provision of protections for victims and witnesses. Amendments to the law in 2015 and 2018 further strengthened these provisions, aiming to expedite justice and prevent the misuse of power by dominant caste groups. However, despite these measures, significant challenges remain. Systemic issues such as delays in the justice process, reluctance by law enforcement to file complaints, and social pressure on victims often undermine the Act's efficacy.²

This research paper examines the socio-legal dimensions of caste-based atrocities, exploring the gap between the legal provisions of the Prevention of Atrocities Act and the realities of its implementation. By analysing case studies, legal data, and the social dynamics surrounding caste discrimination, the research aims to assess the effectiveness of the Act and offer recommendations for improving its implementation. It also seeks to address the broader question of why caste-based violence persists in India despite legal safeguards, highlighting the need for sustained legal and social interventions to combat this enduring problem.

Legislations before this act:

- (i) The Protection of Civil Rights Act, 1955 (Originally the Untouchability (Offences) Act, 1955):
 - Purpose: This law was enacted to abolish "untouchability" and prohibit its practice in any form. It made it a criminal offense to discriminate against or deny access to public places and services based on untouchability.
 - Issues: While it addressed the social evil of untouchability, the law did not cover a broad range of violent caste-based atrocities. Enforcement was weak, and it lacked provisions for addressing physical violence and more severe forms of oppression faced by SCs and STs.
- (ii) The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976:
 - Purpose: This law amended earlier provisions to recognize and provide legal protections to certain groups officially designated as SCs and STs. It helped in identifying these communities for special benefits and affirmative action.

² Mudita Verma, *An Analysis of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*, 5 INT'L J.L. MGMT. & HUMAN. 514 (2022).

- Issues: Though it recognized the need for legal protections for SCs and STs, it focused more on categorization and lacked specific provisions to address or punish caste-based violence.

The Indian Government sooner realized something more effective and efficient must be done to get rid of this undying issue, which gave rise to the atrocities act in 1989.

Objectives of this Legislation:

The main objectives which the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 sought to achieve:

- a. to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.
- b. Eradication of caste-based discrimination as a whole in the country and removal social and economic disabilities.

Key Features of this Act:

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a crucial piece of legislation in India aimed at protecting marginalized communities—namely Scheduled Castes (SCs) and Scheduled Tribes (STs)—from caste-based violence, discrimination, and social exclusion.³ The Act was enacted in response to the widespread atrocities committed against these groups, who historically have been oppressed and subjected to various forms of exploitation and injustice due to their lower caste status in the societal hierarchy. Despite constitutional protections, these communities continued to face atrocities, necessitating a stronger legal framework.

One of the central features of the Act is its specific definition of “atrocities.” This was a significant step, as the law explicitly categorized a wide range of offenses targeting SCs and STs. These offenses include physical violence, such as beating or killing, and sexual violence, including rape and sexual assault. The Act also covers social and economic abuses, such as

³ D. S. V. Choudhary, A Study on the Effectiveness of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 15 *Indian J. Soc. Work* 91 (2020).

forcing individuals to leave their homes or land, denying access to public places (like wells or roads), and economic exploitation, such as bonded labour or preventing access to essential resources. By clearly defining what constitutes an atrocity, the Act makes it easier to identify, report, and prosecute such crimes.⁴

Another important aspect of the Act is its focus on stringent punishment for those found guilty of committing atrocities against SCs and STs. The Act imposes harsh penalties for these crimes, with many offenses being non-bailable. This means that individuals accused of atrocities cannot easily secure bail while their case is pending, thereby emphasizing the seriousness of these offenses. The aim of these severe punishments is to act as a deterrent, discouraging individuals from engaging in caste-based violence and discrimination.

The Act also ensures that cases of atrocities are handled swiftly and effectively by mandating the establishment of Special Courts. These courts are set up to handle cases exclusively related to caste-based atrocities, ensuring that such cases are not delayed in the broader judicial system. This provision is vital because delays in justice often lead to frustration and a loss of faith in the legal system. Along with Special Courts, the law also provides for the appointment of Special Public Prosecutors, who are responsible for ensuring that cases are prosecuted effectively, representing the interests of the victims.⁵

One of the key features of the Act is the protection it offers to victims and witnesses. Victims of caste-based atrocities often face threats, harassment, or social exclusion after reporting a crime, making it difficult for them to pursue justice. The Act ensures that victims and witnesses are protected from retaliation, whether it is in the form of physical violence, social ostracization, or other forms of intimidation. This protection is essential in encouraging more victims to come forward and report atrocities.

Moreover, the Act holds government officials accountable for their role in preventing and addressing atrocities. If a public servant, such as a police officer or district magistrate, fails to perform their duties in preventing an atrocity or refuses to register a case, they can be held

⁴ Zia Akhtar, *Scheduled Castes, Dalits and Criminalisation by 'Descent'*, 9 STATE CRIME J. 71 (2020).

⁵ Prakash Louis. "Scheduled Castes and Tribes: The Reservation Debate." *Economic and Political Weekly*, vol. 38, no. 25, 2003, pp. 2475–78. *JSTOR*.

liable under the law. This provision ensures that authorities cannot ignore or dismiss cases involving SCs and STs, which has historically been a significant problem.

Additionally, the Act requires preventive action by the government. Authorities must take measures to prevent atrocities, such as organizing awareness programs, monitoring vulnerable areas, and ensuring that marginalized communities are aware of their legal rights. The law emphasizes not only the punishment of offenders but also the prevention of future atrocities, aiming to create a safer environment for SCs and STs.

Another important aspect of the Act is the provision for relief and rehabilitation for victims. In cases where atrocities are committed, victims are entitled to financial compensation, medical aid, and other forms of rehabilitation. This support helps them recover and rebuild their lives after the incident. The Act recognizes that victims of caste-based violence often suffer long-term economic and social consequences and seeks to address these through comprehensive relief measures.

Impact of this act on Indian Society:

This act has had a significant impact on Indian society, particularly in addressing caste-based violence and discrimination. It was enacted to provide legal protection to the marginalized SC and ST communities, who have faced centuries of systemic oppression. The Act has played a critical role in raising awareness, offering legal recourse, and empowering Dalits and Adivasis to seek justice for atrocities committed against them. However, while it has brought about some positive changes, challenges in enforcement and societal resistance continue to hinder its full effectiveness.⁶

One of the most notable impacts of the Act has been the increased legal protection it offers to SCs and STs. By clearly defining various forms of violence, discrimination, and exploitation as "atrocities," the law provides a comprehensive framework to address caste-based crimes. The strict penalties and non-bailable offenses prescribed under the Act have created a legal deterrent, discouraging potential offenders from committing such crimes. Additionally, the establishment of Special Courts to handle atrocity cases has helped ensure quicker trials,

⁶ National Commission for Scheduled Castes, **Report on the Implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** (2019).

providing victims with more timely justice compared to the broader, often slow judicial process.

Another significant impact has been the empowerment of marginalized communities. The Act has encouraged many victims to come forward and report incidents of caste-based violence, raising awareness about their rights. This legal protection has led to increased confidence among Dalits and Adivasis, enabling them to assert their dignity and seek justice. Moreover, the accountability imposed on public officials under the Act has compelled law enforcement authorities to be more vigilant in handling atrocity cases, ensuring that complaints are registered and investigations conducted properly.

However, despite these positive developments, there are several challenges in the Act's implementation. Underreporting of atrocities remains a major issue, particularly in rural areas where caste hierarchies are deeply entrenched. Many victims are still hesitant to report crimes due to fear of retaliation, harassment, or social ostracism by dominant caste groups. The continued dependence of SCs and STs on these groups for employment and livelihood further discourages them from pursuing legal recourse. Additionally, low conviction rates in atrocity cases undermine the law's deterrent effect, with many cases being delayed or dismissed due to insufficient evidence, biased investigations, or political interference.

Enforcement of the Act also faces logistical challenges, such as the inconsistent establishment of Special Courts and inadequate resources for handling cases. In some states, the infrastructure for quick trials is either lacking or ineffective, resulting in delays that diminish the impact of the law. Moreover, victim and witness protection remain inadequate, leaving many at risk of further violence or intimidation if they attempt to seek justice.

Despite legal protections, caste-based discrimination persists in Indian society, particularly in rural areas. While the Act addresses physical violence and atrocities, it does little to change the deep-rooted social structures that perpetuate caste-based exclusion. Practices like untouchability, discrimination in employment, and denial of access to public spaces and resources continue to exist, limiting the law's ability to transform social relations.

The Act has also sparked social and political mobilization among Dalit and Adivasi communities, who use it as a tool for asserting their rights and demanding justice. It has inspired

numerous social justice movements, raising awareness about the systemic inequalities that continue to marginalize these groups. However, this mobilization has also met with resistance from dominant caste groups, who view the law as a threat to their traditional social hierarchy, sometimes resulting in additional violence against those seeking to assert their rights.

Landmark Judgments under this act:

- (i) **Manohar Joshi v. State of Maharashtra (1991):** In this case, the Supreme Court addressed the misuse of caste for political gains, stating that it constitutes a corrupt practice under the Representation of the People Act, 1951. The judgment highlighted the detrimental impact of caste-based politics on social harmony and justice. This decision shaped the Act by reinforcing the principle that caste should not be exploited to further discrimination or incite violence against marginalized communities. It underscored the need for a more equitable political environment, aligning with the Act's objectives of preventing atrocities and promoting dignity and equality for SCs and STs.⁷
- (ii) **Vijaykumar v. State of Karnataka (2010):** The Supreme Court's ruling in this case emphasized the importance of prompt legal action in cases involving atrocities against SCs and STs. The court directed that cases under the Prevention of Atrocities Act should be handled with urgency, leading to the establishment of fast-track courts specifically for these matters. This judgment aligned with the Act's goals of ensuring timely justice for victims and underscored the necessity of efficient legal proceedings to deter potential offenders. By emphasizing swift justice, this ruling strengthened the protective framework offered by the Act and highlighted the need for state accountability in enforcing the law.⁸
- (iii) **State v. Sher Singh (2005):** In this case, the Supreme Court ruled that making derogatory remarks based on caste in public constitutes an offense under the Prevention of Atrocities Act. This judgment expanded the definition of atrocities, confirming that verbal abuse and public humiliation based on caste are punishable offenses. This ruling enhanced the scope of the Act, providing a broader protection framework for marginalized communities and recognizing that even non-physical forms of caste discrimination can cause significant harm. The court's decision

⁷ Manohar Joshi v. State of Maharashtra, (1991) 3 SCC 1.

⁸ Vijaykumar v. State of Karnataka, (2010) 6 SCC 399.

reinforced the need for social respect and dignity for SCs and STs, aligning with the Act's intent to eradicate caste-based discrimination and violence.⁹

Challenges and Criticisms faced:

Challenges in Implementation

One of the primary challenges is underreporting of atrocities. Many victims of caste-based violence are hesitant to come forward due to fear of retaliation from dominant caste groups, social stigma, and potential ostracization. In rural areas, where caste hierarchies are deeply entrenched, individuals may be reluctant to report crimes, fearing further violence or harassment. This underreporting skews the actual incidence of atrocities, making it difficult for law enforcement to respond effectively and for the Act to be seen as a powerful tool for justice.

Low Conviction Rates

Another significant issue is the low conviction rates in cases filed under the Act. Many cases are dismissed due to insufficient evidence, inadequate investigations, or procedural delays. The complexities involved in caste-based violence often led to challenges in gathering evidence, and biased attitudes among law enforcement and judicial officials can further undermine the prosecution of such cases. As a result, the high rate of acquittals and the lack of swift justice diminish the Act's deterrent effect, leading to a sense of frustration among victims and advocates for social justice.¹⁰

Inadequate Enforcement Mechanisms

The enforcement of the Act also suffers from inadequate resources and infrastructure. The establishment of Special Courts, mandated to handle cases of atrocities, has been inconsistent across different states. Many regions lack the necessary infrastructure, trained personnel, and resources to ensure timely trials and effective handling of cases. The shortage of Special Public Prosecutors and support for victims can further compromise the legal process, making it difficult for victims to secure justice and reinforcing the perception of impunity for perpetrators.

⁹ State v. Sher Singh, (2005) 1 SCC 362.

¹⁰ Sneha B. Nair, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act: Challenges and Critique, *The Wire* (April 2, 2021)

Protection of Victims and Witnesses

Victim and witness protection remains a significant concern. The Act does provide for protective measures; however, the implementation of these provisions is often lacking. Many victims face threats and intimidation from perpetrators and their supporters, which can discourage them from pursuing legal action. In some cases, even after reporting an atrocity, victims may encounter further harassment, leading to a reluctance to engage with the legal system. The absence of effective protection mechanisms undermines the Act's intent to provide a safe environment for victims to seek justice.

Social Resistance and Backlash

The Act has also faced social resistance and backlash from dominant caste groups who view it as a threat to their traditional social hierarchy. In some instances, this resistance has resulted in increased violence against Dalits and Adivasis who assert their rights under the law. The societal attitudes that perpetuate caste discrimination remain deeply ingrained, and attempts to challenge these norms often lead to hostility against those seeking justice. This resistance complicates the implementation of the Act and raises concerns about the safety of victims and activists advocating for their rights.

Criticism of Misuse

Furthermore, the Act has been criticized for being misused in certain instances. Some individuals have filed false cases under the Act to settle personal scores or engage in harassment against those from higher castes. This has led to calls for amendments to prevent misuse and ensure that the law serves its intended purpose without being exploited. Critics argue that such misuse undermines the credibility of genuine cases and could result in a backlash against the Act, potentially discouraging its effective implementation.

Need for Societal Change

Finally, while the Act provides a legal framework to combat caste-based atrocities, it cannot address the root causes of caste discrimination. A comprehensive approach is needed to change societal attitudes and promote awareness of caste-related issues. Efforts must focus not only on enforcing legal provisions but also on fostering social transformation, encouraging dialogue, and building a more inclusive society that respects the rights and dignity of all individuals,

regardless of their caste.¹¹

Conclusion:

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** plays a crucial role in protecting marginalized communities from caste-based violence and discrimination in India. While the Act has made significant strides in providing legal safeguards and raising awareness about the rights of Dalits and Adivasis, it faces various challenges that hinder its effectiveness. Underreporting of atrocities, low conviction rates, inadequate enforcement mechanisms, and societal resistance contribute to the persistent issues surrounding caste-based violence.

Despite these challenges, the Act has empowered many individuals to seek justice and assert their rights, fostering greater awareness and mobilization among marginalized communities. Landmark judgments have further reinforced the Act, emphasizing the importance of prompt legal action and broader definitions of atrocities. However, addressing the root causes of caste discrimination remains essential for achieving lasting change.

To enhance the impact of the Act, efforts must focus on improving enforcement, protecting victims, and promoting social change to eradicate deeply ingrained caste hierarchies. A comprehensive approach that combines legal protections with societal transformation will be vital in creating an inclusive and equitable society where everyone, regardless of their caste, can live with dignity and respect.

¹¹ Durjay Kumar Deb, *Caste and Community Movement in the 21st Century: An India Perspective*, 8 NUJS J. REGUL. STUD. 78 (July-September 2023).