



The Indian Journal for Research in Law and Management
Open Access Law Journal – Copyright © 2025
Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas;
ISSN: 2583-9896

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CASE COMMENT: SUKANYA SHANTA VS. UNION OF INDIA & ORS.

-Shivi Garg

CITATION: W.P. (C) No. 1404 of 2023 (S.C. June 25, 2024).

BENCH: JUSTICE DY CHANDRACHUDE, JUSTICE MANOJ MISHRA, JUSTICE J.B PARDIWALA

JUDGMENT: 25 JUNE 2024

INTRODUCTION

The landmark case of *Sukanya Shantha v. Union of India & Ors.* scrutinizes caste-based discrimination within prison settings. It highlights the deep-seated discrimination embedded in the prison manuals of various States, which segregate inmates based on caste and treat certain caste groups and tribes as “habitual offenders.” The Court’s ruling emphasizes the constitutional ideals of dignity, equality, and fraternity, extending their scope to the prison context.

The petition was inspired by journalist Sukanya Shantha’s article “**From Segregation to Labour, Manu’s Caste Law Governs the Indian Prison System**”, and highlights how caste discrimination persists within Indian prison manuals, segregating inmates based on caste and making demeaning work allocations. The case highlights how caste discrimination violates Articles 14, 15, 17, 21, and 23 of the Constitution and compels state authorities to rectify systemic injustices.

BACKGROUND AND FACTS OF THE CASE

Mr. Shantha’s article published in December 2020, uncovered instances of caste discrimination in prisons across India. The revelations exposed a regressive practice wherein certain caste groups, especially those belonging to Denotified Tribes (DNT) and “Habitual

Offender” communities, were segregated and relegated to menial and dehumanizing labour. This served as an impetus for the petition.

The petitioner, identified caste discrimination across State prison manuals which was manifested in three forms:

1. Segregation of prisoners based on caste.
2. Assigning manual labour (such as cleaning toilets) exclusively to certain caste groups.
3. Branding certain castes and Denotified Tribes as “Habitual Offenders,” leading to disproportionate restrictions and discrimination.

The petitioner sought directions for the repeal of such discriminatory provisions and the establishment of constitutional guarantees within prisons.

ISSUES BEFORE THE COURT

1. Do State prison manuals and practices perpetuate caste discrimination and thereby violate Articles 14, 15, 17, 21, and 23 of the Constitution?
2. What obligations do State authorities have to ensure that the rights of prisoners align with constitutional guarantees of dignity and equality?
3. Should caste or “Habitual Offender” status be used as a basis for discrimination in prison settings?

ARGUMENTS PRESENTED

BY PETITIONER

- The State prison manuals explicitly violated Articles 14, 15, 17, 21, and 23.
- The caste-based assignment of manual labour violated the dignity of the person and the constitutional ban on untouchability.
- The classification of certain communities as “Habitual Offenders” was based upon caste and stigma and was antithetical to the constitutional guarantees of equal treatment.

BY RESPONDENT

- Contended that measures such as the Model Prison Manual already forbid caste discrimination.

- Advisories have been issued for States to review and remove casteist practices.

COURT'S JUDGMENT

The Supreme Court, delivered a comprehensive judgment focusing on caste discrimination within the prison system:

- **Caste Discrimination in Prisons is Unconstitutional:**

The Court ruled that discrimination based on caste, and treating certain communities as “Habitual Offenders,” violated Articles 14, 15, 17, 21, and 23 of the Constitution.

- **State Obligations:**

The State must review and eradicate casteist provisions within prison manuals and align them with constitutional guarantees and the Model Prisons and Correctional Services Act, 2023.

- **Abolition of Untouchability (Article 17):**

The Court reaffirmed that caste discrimination is akin to untouchability and must be eliminated in its entirety within State institutions.

- **Right to Dignity (Article 21):**

The Court stated that every person, regardless of status as a prisoner, is entitled to dignity and protection of fundamental rights.

- **Prohibition of Discrimination and Forced Labour (Articles 15 and 23):**

The Court held that caste discrimination and caste-based allocation of labour amounted to discrimination and forced labour, directly violating Articles 15 and 23.

RATIO DECIDENDI

The judgment rests upon the following foundational principles:

- **Article 14 (Equality Before the Law):** The State must not discriminate arbitrarily. The prison manual provisions that discriminate based on caste have no rational nexus with any legitimate object and fail the test of “intelligible differentia”.
- **Article 15 (Prohibition of Discrimination):** Discrimination on the basis of caste, even within prison settings, is expressly prohibited.
- **Article 17 (Abolition of Untouchability):** Practices akin to untouchability within prison settings violate this article and must be eradicated.

- **Article 21 (Right to Life and Dignity):** The right to life includes the right to dignity for all, regardless of the person's status as a prisoner.
- **Article 23 (Prohibition of Forced Labour):** Making certain caste groups perform manual labour exclusively is akin to forced labour and is unconstitutional.

SIGNIFICANCE AND IMPACT OF THE DECISION

This judgment is pivotal for several reasons:

- **Affirmation of the Constitution's Social Mission:** The Court reiterated that the Constitution aims to eradicate caste discrimination and social stigma.
- **Transforming Prisons into Sites of Rehabilitation:** The ruling emphasizes that prisons must operate within the constitutional framework and respect the dignity of inmates.
- **Directing State Action:** The Court issued directions for the review of State prison manuals and practices to eradicate caste discrimination.
- **A Model for Social Justice:** The case sets an example for future rulings focusing on systemic discrimination within State institutions.
- **Implication for Denotified Tribes and "Habitual Offender" Label:** The judgment ensures that these communities are no longer stigmatized within prisons.

CONCLUSION

The case of *Sukanya Shantha v. Union of India & Ors.* is a landmark ruling that strengthens the constitutional guarantees of equality, dignity, and social justice. According to the ruling, caste prejudice and the stigma attached to being a "Habitual Offender" are completely out of place in contemporary India.

Caste discrimination in the jail system must be actively eliminated, according to a strong constitutional mandate established by the Court.

In a broader sense, this ruling reminds us that all citizens, regardless of standing or situation, are entitled to the protections of the Constitution.

Prisons are no longer places of discrimination but rather places of rehabilitation and

dignity. This case is a big step toward realizing the equal, just, and inclusive society that the constitution enshrines.