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Haldwani Purification Row Revives Debate on Untouchability, Caste Discrimination and Constitutional Morality

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Recent Developments:

- A “**purification**” ritual reportedly performed at the Ramlila Maidan in **Haldwani, Uttarakhand**, after a public meeting addressed by Congress president Mallikarjun Kharge, has triggered a wider debate over caste discrimination and the constitutional prohibition of **untouchability**. The controversy has also generated political and legal responses, including an FIR connected with statements made about the incident.
- The episode raises an important constitutional question: whether a ritual based on an alleged belief that a public space became “impure” because of the presence or use of a **Dalit person** can fall within the wider understanding of untouchability under **Article 17**.
- The issue is particularly significant after the Supreme Court’s 2024 ruling in **Sukanya Shantha v. Union of India**, which connected untouchability with caste-based notions of **purity and pollution** and clarified that exclusion need not always involve physical denial of entry.

Concept of Purity and Pollution in the Caste System:

Core Idea:

- Traditional caste hierarchies were historically reinforced through ideas of **ritual purity and pollution**, under which social groups were assigned different degrees of status, occupation and social interaction.
- Communities associated with occupations involving **waste, sanitation, death and animal carcasses** were often treated as “polluting”, creating a social basis for exclusion and untouchability.

Social and Spatial Exclusion:

- The ideology of purity and pollution contributed to **social segregation**, including restrictions on access to temples, wells, common spaces and other public facilities, while Dalit settlements were frequently located separately from dominant-caste settlements.
- Such practices transformed occupational and birth-based distinctions into systems of **social stigma, unequal status and restricted interaction**.

Contemporary Relevance:

- Modern forms of untouchability may become less visible while continuing through **social exclusion, housing segregation, institutional discrimination and caste-based restrictions**.
- The constitutional challenge therefore extends beyond eliminating physical exclusion to dismantling the underlying social belief that caste determines a person’s inherent purity or social worth.

Historical Perspectives on Untouchability:

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Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

Reformist and Anti-Caste Movements:

- The **Bhakti Movement** challenged caste hierarchy by emphasising spiritual equality and devotional access, with figures such as **Ravidas and Kabir** questioning birth-based social distinctions.
- **Swami Dayananda Saraswati** criticised untouchability as a later social distortion and associated the **Shuddhi Movement** with religious reform and the reintegration of communities considered socially excluded.
- **Jyotirao Phule** established the **Satyashodhak Samaj in 1873** and linked caste oppression with social and economic exploitation, making education and empowerment central to emancipation.
- **Sri Narayana Guru** challenged ritual hierarchy through the **Aruvipuram consecration in 1888** and advocated the principle of “**One Caste, One Religion, One God for Humankind.**”
- **Periyar’s Self-Respect Movement**, launched in **1925**, adopted a rationalist and anti-caste approach and challenged hereditary social and religious hierarchies.
- **Mahatma Gandhi** regarded untouchability as a grave moral wrong and promoted temple-entry movements, social integration and the **Harijan Sevak Sangh**, although his approach to untouchability differed from the more radical annihilation-of-caste framework associated with B.R. Ambedkar.

Constitutional and Legal Framework:

Article 17 and Fundamental Rights:

- **Article 17** abolishes untouchability and prohibits its practice “**in any form**”, making enforcement of any disability arising from untouchability a punishable offence.
- Article 17 forms part of the **Right to Equality under Articles 14–18** and is distinctive because its prohibition operates against **private individuals as well as State authorities**.
- The Constitution does not provide an exhaustive definition of “untouchability”, allowing courts to interpret the concept according to its **social manifestations and constitutional purpose**.

Protection of Civil Rights Act, 1955:

- Parliament enacted the **Untouchability (Offences) Act, 1955**, subsequently renamed the **Protection of Civil Rights Act, 1955**, to give statutory effect to Article 17.
- The law penalises the practice and enforcement of disabilities arising from untouchability, including discrimination relating to **religious, social and public facilities**.

SC/ST (Prevention of Atrocities) Act, 1989:

- The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** provides a specialised legal framework for preventing atrocities, establishing special courts and providing relief and rehabilitation to victims.
- Section 7(1)(d) of the Act specifically addresses an insult against a Scheduled Caste member when it is committed **on the ground of untouchability**, making the connection with the social practice legally significant.

Institutional Safeguards:

- The **National Commission for Scheduled Castes**, established under **Article 338**, monitors constitutional and legal safeguards for Scheduled Castes and possesses powers associated with a civil court while investigating specified matters.

Key Judicial Pronouncements:

Surya Narayan Choudhary v. State of Rajasthan, 1988:

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- The Rajasthan High Court held that requiring Dalit devotees to undergo **ritual purification as a condition for temple entry** violated **Articles 14, 15 and 17**, because such a discriminatory condition was imposed specifically on Dalits.

Hitesh Verma v. State of Uttarakhand, 2020:

- The Supreme Court clarified that every insult or humiliation of an SC/ST person does not automatically constitute an offence under the **SC/ST (Prevention of Atrocities) Act, 1989**; the conduct must satisfy the statutory requirements and, where relevant, demonstrate a connection with the victim's caste identity.

Sukanya Shantha v. Union of India, 2024:

- The Supreme Court struck down **caste-based discriminatory provisions in prison manuals** and adopted a broad understanding of untouchability.
- The Court linked caste discrimination with notions of **purity and pollution**, emphasising that constitutional equality cannot permit stigma to be attached to a person's **existence, touch or presence**.
- The judgment is important for contemporary debates because it demonstrates that untouchability is not restricted to traditional physical exclusion and can operate through **institutional and symbolic practices**.

Gunjan @ Girija Kumari v. State (NCT of Delhi), 2026:

- The Supreme Court reaffirmed that offences under Sections **3(1)(r) and 3(1)(s)** of the SC/ST Act require the alleged caste-based insult or intimidation to occur at a **place within public view**.
- The judgment clarifies an important evidentiary requirement under the statute and demonstrates that allegations must satisfy the specific ingredients prescribed by Parliament.

Challenges in Eliminating Untouchability:

Persistence of Covert Discrimination:

- Traditional practices such as denying access to wells or temples have declined in many areas, but discrimination can persist through **housing segregation, social networks, educational institutions, workplaces and marriage preferences**.
- Digital platforms can also reproduce social boundaries through **caste-based matrimonial preferences and algorithmic reinforcement of existing social choices**.

Graded Inequality:

- Caste operates through a hierarchy involving an **ascending scale of privilege and a descending scale of social status**, creating inequalities even within historically disadvantaged communities.
- In **State of Punjab v. Davinder Singh, 2024**, the Supreme Court held that Scheduled Castes and Scheduled Tribes are not necessarily homogeneous for the purpose of affirmative action and permitted **sub-classification** based on constitutionally relevant evidence.

Criminal Justice Gaps:

- Low reporting, delays in investigation, witness vulnerability, inadequate legal awareness and weaknesses in prosecution can reduce the deterrent impact of protective legislation.
- **Burking or dilution of offences**, hostile witnesses and inadequate investigation of caste-based motives can further weaken accountability.

Economic Dependence:

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- **Landlessness, occupational dependence and unequal access to assets** can increase vulnerability to social boycotts and coercion, particularly in rural areas.
- Economic empowerment is therefore essential because formal legal equality cannot fully protect individuals who remain structurally dependent on socially dominant groups.

Measures Needed:

Strengthen Law Enforcement:

- Effective implementation of **Section 4 of the SC/ST (Prevention of Atrocities) Act** is important for holding public servants accountable when they wilfully neglect statutory duties relating to prevention, registration or investigation of offences.
- States should strengthen **Exclusive Special Courts**, professional investigation and witness-protection mechanisms to improve conviction and reduce prolonged litigation.

Promote Economic Empowerment:

- Anti-caste policy should combine legal protection with **asset creation, entrepreneurship, education and access to institutional credit**.
- Government procurement and entrepreneurship initiatives for SC-owned enterprises should be implemented effectively to promote **economic independence and social mobility**.

Strengthen Constitutional Morality:

- **Constitutional morality** should be integrated into education and public institutions to challenge inherited assumptions of purity, pollution and birth-based hierarchy.
- Social reform must focus not merely on punishment after discrimination occurs but also on changing the **social psychology that sustains caste prejudice**.

Encourage Social Integration:

- **Inter-caste marriages, common public spaces, inclusive education and equal access to institutions** can weaken caste boundaries.
- State support for inter-caste couples should combine financial assistance with effective protection against **honour-based violence and social coercion**.

Conclusion:

- The Haldwani controversy demonstrates that the constitutional struggle against untouchability remains relevant even when discrimination appears in **symbolic, indirect or ritualised forms**.
- Article 17 must therefore be understood alongside **dignity, equality, fraternity and constitutional morality**, rather than merely as a prohibition on physical exclusion.
- As **B.R. Ambedkar** argued, caste survives as a social and mental system rather than merely as a visible institution; consequently, its eradication requires simultaneous transformation of **social attitudes, economic structures and institutional practices**.
- The ultimate objective should be a society where **constitutional equality replaces caste-based notions of purity and pollution**, and where dignity is attached to every individual irrespective of birth.

Value Addition for UPSC:

Constitutional Linkages:

- **Article 14:** Equality before law and equal protection of laws.
- **Article 15:** Prohibition of discrimination on specified grounds, including caste.

- **Article 17:** Abolition of untouchability.
- **Article 21:** Protection of life and personal liberty, including the constitutional value of dignity.
- **Article 46:** Directive to promote the educational and economic interests of weaker sections, particularly Scheduled Castes and Scheduled Tribes.
- **Article 338:** Constitutional status and safeguards for the National Commission for Scheduled Castes.

UPSC Mains Conclusion:

- **“The constitutional abolition of untouchability can become a social reality only when legal equality is complemented by economic empowerment, institutional accountability and a transformation of caste-based social attitudes.”**