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# Denial of Public Spaces to Scheduled Castes: Equality Before Law and the Persistence of Untouchability

14 March 2026

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CURATED &amp; WRITTEN BY

**Bharat Choudhary**

UPSC Educator &amp; Content Creator •

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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# Denial of Public Spaces to Scheduled Castes: Equality Before Law and the Persistence of Untouchability

14 March 2026 · 11 min read ·

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## ✍ WHY IN NEWS

A renewed analysis in March 2026 of the **National Crime Records Bureau's (NCRB) Crime in India 2023** report has drawn attention to the fact that, of **180 cases** reported nationally involving denial of access to public spaces to Scheduled Castes, **173 cases — over 96% — came from Uttar Pradesh alone**, pointing to both the persistence of caste-based spatial exclusion and a severe geographic concentration of the problem.

## CITIZENSHIP, NOT JUST DISCRIMINATION

At first glance, denial of access to a well, temple, barber shop, cremation ground, or village path may appear like a localised social dispute. Constitutionally and legally, it is far more serious. When a Dalit citizen is barred from using a public resource, the violation is not merely discriminatory — it is a denial of citizenship itself. According to the **Census 2011**, Scheduled Castes constitute approximately **16.6% of India's population** — roughly 201 million people. For this substantial segment of the national population, the daily reality of exclusion from common spaces represents an ongoing breach of fundamental rights that the Constitution was specifically designed to prevent.

The word “untouchability” has been abolished under **Article 17** of the Constitution of India since 1950. Yet the practices that untouchability represents — exclusion from water sources, temples, roads, and food establishments — continue in rural and semi-rural India with varying degrees of social enforcement and impunity.

## WHAT THE NCRB DATA SHOWS

The statistic that triggered the March 2026 discussion is stark in its geographic concentration. The **NCRB Crime in India 2023** report recorded **180 cases** nationally involving the denial of access to public spaces to Scheduled Castes. Of these, **173 cases were from Uttar Pradesh** — a state share of approximately **96%**.

This is not an anomaly. Trend analysis across the NCRB series shows a consistent and worsening pattern of geographic concentration. Uttar Pradesh accounted for approximately **68%** of such cases in 2018, rose to nearly **80%** in 2019, and crossed **98%** of national cases in 2022. Several interpretations are possible. First, better reporting and awareness of legal remedies in UP may have led to more FIR registrations than in other states. Second, and more importantly, it may reflect genuine concentration of caste-based spatial exclusion in one of India's most populous states, where hierarchical caste structures remain deeply embedded in village governance.

What the data does not reflect is likely an undercount in many other states, where victims face greater barriers to registering complaints, awareness of the law is lower, and police responsiveness is weaker.

## THE CONSTITUTIONAL FRAMEWORK

The Constitution of India contains multiple explicit provisions that collectively make caste-based exclusion from public spaces unconstitutional.

**Article 14** guarantees equality before the law and equal protection of laws to all persons — a guarantee that caste-based access restrictions directly violate.

**Article 15(2)** is the most specific: it prohibits any citizen from being denied access on grounds only of religion, race, caste, sex, or place of birth to shops, public restaurants, hotels, places of public entertainment, and to the use of wells, tanks, bathing ghats, roads, and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. This provision was inserted precisely because the framers understood that equality of access to physical public spaces was central to social democracy.

**Article 17** goes further than the other articles: it abolishes untouchability and forbids its practice in any form, declaring that the enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law.

**Article 21** protects the right to life and personal liberty, which the Supreme Court has interpreted to include the right to live with dignity — a standard that caste exclusion systematically violates. **Article 46** directs the State to promote the educational and economic interests of Scheduled Castes and Scheduled Tribes with particular care and to protect them from social injustice and all forms of exploitation.

## THE STATUTORY ARCHITECTURE: PCR ACT AND SC/ST ACT

The Constitution's promises are backed by two landmark statutes.

### Protection of Civil Rights Act, 1955

The **Protection of Civil Rights (PCR) Act, 1955** was the first parliamentary legislation specifically targeting untouchability. It operationalised Article 17 by criminalising practices arising out of untouchability, including refusal of access to public places, refusal to sell goods or render services, and enforcement of social disabilities. Offences under the PCR Act are cognisable and non-compoundable, meaning they cannot be settled privately between parties.

Despite being on the books for over seven decades, conviction rates under the PCR Act remain low due to poor investigation, delayed trials, and social pressure on witnesses and complainants.

### SC/ST (Prevention of Atrocities) Act, 1989 and 2016 Amendment

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** substantially strengthened the legal framework by treating caste-based humiliation, exclusion, violence, and denial of access to public resources as distinct and serious offences — not mere incidents to be handled under general penal law. The Act established a specific category of “atrocities” applicable to 22 offence types at the time of enactment.

The **2015 Amendment** — the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (received Presidential assent on 31 December 2015), which came into effect on **26 January 2016** — added new offences to the schedule, including preventing Scheduled Caste persons from using common premises, refusing to sell goods or provide services, disposing of dead bodies, using traditional attire, or entering places of worship. It also strengthened the provisions for exclusive special courts and specified time limits for trial.

**Section 4 of the SC/ST Act** is particularly significant: it penalises public servants — including police officers — who willfully neglect their duty under the Act. This provision creates institutional accountability for the failure to register FIRs or pursue investigation.

## WHY EXCLUSION PERSISTS DESPITE STRONG LAW

### Caste-Based Spatial Hierarchy in Rural India

In many Indian villages, land ownership, control over local economic resources, and dominance of informal governance structures remain concentrated in the hands of upper-caste communities. This spatial dominance manifests in who controls the “common zone” — the well, the temple, the cremation ground, the pathway. Dalit settlements are historically and physically pushed to the margins, and the common spaces that formally belong to all residents are informally governed by dominant-caste norms. The law says one thing; power relations on the ground say another.

### Economic Dependence as a Lever of Suppression

A large proportion of rural Scheduled Caste households remain **landless or near-landless**. Dependence on dominant-caste landlords for agricultural wage employment, tenancy, or informal credit creates a structural vulnerability that discourages assertion of rights. The fear of economic retaliation — loss of work, eviction, or denial of credit — functions as a more immediate deterrent than the fear of formal legal sanction for the perpetrators.

### Implementation Failures and Low Conviction Rates

Even where law is strong, enforcement is often weak. The National Dalit Movement for Justice and various legal scholars have documented patterns of delayed FIR registration, improper invocation of legal provisions, inadequate investigation, hostile witnesses, and low conviction rates. The **NCRB Crime in India 2023** itself shows that charge-sheeting rates under the SC/ST Act remain significantly below the rate for IPC offences overall, and conviction rates are lower still. This gap between registration and conviction weakens deterrence.

### Limited Legal Literacy Among Victims

Many victims are unaware of the specific protections available under the SC/ST Act or the PCR Act. They may not know that Section 4 of the SC/ST Act creates an obligation on police to register and investigate, or that special courts have exclusive jurisdiction over these cases. Limited legal literacy reduces both the rate of formal complaint and the quality of engagement with the justice system once a complaint is filed.

## IMPORTANT JUDICIAL INTERVENTIONS

The Supreme Court has repeatedly affirmed that constitutional untouchability is incompatible with any claim of custom, tradition, or social usage.

In **State of Karnataka v. Appa Balu Ingale (1995)**, the Supreme Court held that Article 17 was designed to free society from the stigma of untouchability and that any discrimination based on the practice of untouchability has no constitutional or moral legitimacy. The Court emphasised that the State has an obligation to ensure this prohibition is genuinely enforced.

In **Arumugam Servai v. State of Tamil Nadu (2011)**, the Supreme Court directly condemned practices such as the “two-tumbler system” — the practice of serving tea to Dalits in separate vessels at tea stalls — calling them unconstitutional and directing the state government to take firm administrative and legal action against such practices at the district level. The judgment is significant because it treated everyday caste discrimination in commercial spaces as a constitutional violation requiring proactive state response.

## WHAT GENUINE REFORM REQUIRES

More prosecutions are necessary but not sufficient. Meaningful change requires redesigning governance structures in ways that reduce the structural dependence of Dalit communities on dominant-caste controlled institutions.

At the village level, public facilities — Anganwadi centres, PDS shops, community halls, and Panchayat Bhavans — should where possible be located in or near Dalit hamlets rather than in dominant-caste settlement cores. This is not merely symbolic; physical location determines who in practice uses a facility. The **73rd Constitutional Amendment Act, 1992**, which mandated reservation in Panchayati Raj institutions, was designed partly to democratise control over these local governance structures. Its intent must be matched by administrative reality.

Gram Sabha social audits should include mandatory review of caste-based access to public facilities, creating a formal, regular accountability mechanism at the community level. Section 4 of the SC/ST Act must be applied seriously, holding officials accountable when they fail to register or investigate atrocity complaints. Finally, constitutional literacy campaigns — drawing on the traditions of **B. R. Ambedkar**, **Jyotirao Phule**, and **Periyar E. V. Ramasamy** — are essential to build both the awareness and the moral vocabulary needed for sustained assertion of rights.

**UPSC RELEVANCE**

Articles 14, 15(2), 17, 21, 46; Protection of Civil Rights Act 1955; SC/ST (Prevention of Atrocities) Act 1989 and 2016 Amendment; Section 4 SC/ST Act; NCRB; NCSC (Article 338); 73rd Constitutional Amendment 1992.

**MAINS GS-1:**

Poverty, exclusion, and social issues.

**MAINS GS-2:**

Vulnerable sections, constitutional morality, justice delivery, Panchayati Raj, Centre-State relations in social legislation.

**INTERVIEW:**

Role of law versus social change in eliminating caste discrimination.

## ★ FACTS CORNER — KNOWLEDGEPEDIA

### NCRB DATA — DENIAL OF PUBLIC SPACES (SCHEDULED CASTES):

**Source:** NCRB Crime in India 2023

**National cases:** 180 cases of denial of access to public spaces to Scheduled Castes

**Uttar Pradesh cases:** 173 (approximately 96% of national total)

**UP share in 2018:** Approximately 68%

**UP share in 2019:** Nearly 80%

**UP share in 2022:** Over 98%

**Scheduled Caste population (Census 2011):** Approximately 16.6% of India's total population — about 201 million persons

### CONSTITUTIONAL PROVISIONS:

**Article 14:** Equality before law and equal protection of laws

**Article 15(2):** Prohibits denial of access to shops, restaurants, wells, tanks, roads, and public resorts on grounds of caste, religion, race, sex, or place of birth

**Article 17:** Abolishes untouchability; enforcement of any untouchability disability is an offence

**Article 21:** Right to life including dignity

**Article 46:** State directive to protect SCs and STs from social injustice

**Article 338:** Establishes the National Commission for Scheduled Castes (NCSC)

### STATUTORY FRAMEWORK:

**Protection of Civil Rights (PCR) Act:** 1955 — criminalises untouchability practices; offences are cognisable and non-compoundable

**SC/ST (Prevention of Atrocities) Act:** 1989 — treats caste exclusion as a specific punishable atrocity; mandates special courts and special public prosecutors

**SC/ST Amendment Act:** 2015 (Presidential assent 31 December 2015; effective 26 January 2016) — expanded list of offences; strengthened provisions for exclusive special courts

**Section 4, SC/ST Act:** Penalises public servants who neglect duties under the Act (including failure to register FIR)

**73rd Constitutional Amendment:** 1992 — mandated reservation in Panchayati Raj institutions

### KEY JUDICIAL PRECEDENTS:

**State of Karnataka v. Appa Balu Ingale (1995):** SC held Article 17 abolishes untouchability without constitutional or moral exception

**Arumugam Servai v. State of Tamil Nadu (2011):** SC condemned the “two-tumbler system” and directed firm district-level action against caste discrimination in commercial spaces

### COMMON SPACES OF EXCLUSION:

Drinking water sources (wells, ponds, public taps), temples and religious sites, cremation grounds, common village roads and pathways, shops, tea stalls, barber shops, Panchayat and community spaces

### ANTI-CASTE THINKERS (UPSC MAINS):

**B. R. Ambedkar** — Chairman, Drafting Committee; advocated annihilation of caste; architect of Article 17

**Jyotirao Phule (11 April 1827 – 28 November 1890)** — Pioneer of anti-caste movement in Maharashtra; founder of Satyashodhak Samaj (1873); author of *Gulamgiri* (1873)

**Periyar E. V. Ramasamy (17 September 1879 – 24 December 1973)** — Leader of Self-Respect Movement; renamed the Justice Party as **Dravidar Kazhagam in 1944**

**OTHER RELEVANT FACTS:**

Public-space exclusion most commonly concerns **temples, wells, cremation grounds, pathways, barber shops, and tea stalls**

Caste exclusion is rooted in **spatial hierarchy**, not only individual prejudice — dominant castes control “common” spaces while Dalit settlements are physically marginalised

Low conviction rates and delayed FIR registration reduce the deterrent effect of even strong laws

Landlessness and economic dependence make it structurally difficult for Dalit communities to assert legal rights

Equal access to public spaces is a question of **citizenship**, not charity

Sources: [NCRB](#), [National Commission for Scheduled Castes](#), [Ministry of Social Justice and Empowerment](#), [The Hindu](#)

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CURATED & WRITTEN BY

# Bharat Choudhary

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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