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UNFINISHED EMANCIPATION: CHALLENGES FACING SCHEDULED CASTES IN CONTEMPORARY INDIA

B. Kubendran*

I. ABSTRACT

Scheduled Castes (SCs), about one in six Indians, were promised equality by the Constitution of 1950, which abolished untouchability and provided for reserved seats, posts and admissions. This article asks whether the legal and policy framework built since 1950 reliably delivers protection, opportunity and dignity to SC households today and, where it does not, why. It adopts a doctrinal method, analysing the relevant constitutional provisions, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its Rules, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and leading Supreme Court judgments, and tests them against official data from the National Crime Records Bureau, parliamentary replies, the Census, national sample surveys and the All-India Survey on Higher Education. Six areas are examined: caste violence, land and labour, sanitation work, education, public employment and the politics of reservation. The analysis finds real gains in literacy, higher-education enrolment and recorded convictions. Yet cases pending trial under the Atrocities Act rose from about 1.77 lakh in 2020 to 2.88 lakh in 2024; 498 workers died cleaning sewers and septic tanks between 2019 and mid-2026, although the 2013 Act already prohibits and penalizes hazardous cleaning; SC representation thins at the senior levels of central employment; and in 2026 the Supreme Court held in *Chinthada Anand v State of Andhra Pradesh* that SC status ends on conversion to Christianity, while the wider challenge by Dalit Christians and Muslims remains undecided. The article argues that rules consistently outrun outcomes because enforcement depends on local power, the worst harms are poorly counted, and mobility schemes leave land and labour relations

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intact. It concludes that the next phase of reform lies less in new statutes than in accountable implementation, reliable data and timely judicial and executive decisions.

II. KEYWORDS

Scheduled Castes; Atrocities Act; manual scavenging; reservation; sub-classification

III. INTRODUCTION: A CONSTITUTIONAL PROMISE AND ITS UNFINISHED WORK

The 2011 Census counted about 16.6 per cent of India's population as Scheduled Castes.[1] The Constitution abolishes untouchability (Article 17), directs the State to promote the educational and economic interests of weaker sections (Article 46), and provides reserved seats, posts and admissions (Articles 15(4), 16(4), 330, 332 and 335).[2] When the Constituent Assembly concluded its work in 1949, B.R. Ambedkar warned that India was entering a life of contradictions: political equality on top of deep social and economic inequality, a contradiction that could not be tolerated for long.[3]

This article tests that warning against recent evidence. It separates two questions that public debate often runs together: whether the State has made rules, which it largely has, and whether those rules change what happens to an SC family in a village, a campus, a sewer or a recruitment board, which often they do not.

The question addressed here is narrower than whether caste has ended. It is whether the legal and policy machinery created since 1950 reliably delivers protection, opportunity and dignity to SC families today, and, where it does not, why. The argument developed is that the gap between rule and outcome has three main sources: enforcement that depends on local power, a statistical blind spot around the worst harms, and reform programmes that lift individuals without changing the structures of land, labour and violence that bind most SC households. The article does not claim that nothing has improved; it records gains where the evidence shows them.

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[1] Office of the Registrar General and Census Commissioner, India, *Primary Census Abstract for Total Population, Scheduled Castes and Scheduled Tribes: Census of India 2011* (Government of India 2013).
[2] Constitution of India, arts 15(4), 16(4), 17, 46, 330, 332 and 335.
[3] *Constituent Assembly Debates*, vol XI, 25 November 1949, 979 (B R Ambedkar).

Terms. "Scheduled Castes" is the constitutional category, notified by Presidential Order under Article 341; "Dalit" is a term of self-assertion widely used in public debate. The article uses both, and "SC" for statistical categories.

Structure. Sections 1.1 to 1.3 set out the research objectives, questions and methodology. Section 2 examines violence and the enforcement of the Atrocities Act. Section 3 turns to land and labour, and Section 4 to sanitation work, where caste and occupation are most directly joined. Section 5 covers education and Section 6 public employment and representation. Section 7 discusses the politics of reservation, including sub-classification and the exclusion of Dalit Christians and Muslims. Section 8 assesses why rules outrun outcomes, Section 9 sets out suggestions and recommendations, and Section 10 concludes.

A. Research Objectives

The article pursues four objectives:

1. To identify the constitutional and statutory guarantees that govern the protection of, and opportunity for, Scheduled Castes;
2. To measure, using the latest official data, how far those guarantees are delivered in six areas of SC life;
3. To explain the persistent gap between legal rule and social outcome; and
4. To propose reforms tied to each gap identified.

B. Research Questions

Three questions guide the analysis:

1. First, does the legal framework built between 1950 and 2026 reliably deliver protection and opportunity to SC households?
2. Second, where it does not, what explains the shortfall: the content of the law, the machinery of enforcement, or the structures of land, labour and social power within which the law operates?
3. Third, which reforms would most directly close the gaps identified?

C. Research Methodology

The article adopts a doctrinal method. It analyses the primary legal materials: Articles 15(4), 16(4), 17, 46, 330, 332, 335 and 341 of the Constitution; the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the 1995 Rules; the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013; the Constitution (Scheduled Castes) Order, 1950; and Supreme Court judgments from *Subhash Kashinath Mahajan* (2018) to *Chinthada Anand* (2026).

Official data supplement that analysis: the NCRB's *Crime in India 2024*, Census 2011, the National Sample Survey and Agriculture Census, the All-India Survey on Higher Education, the Department of Personnel and Training's Annual Report 2024-25 and written replies tabled in Parliament. Court submissions, civil-society counts and press reports are used only where no official figure exists, and the text identifies them as such. Two limits apply. Official crime data count recorded cases, so under-reporting probably understates the problem; and figures drawn from different years and sources show patterns rather than a single snapshot.

IV. VIOLENCE AND THE WEAKNESS OF LEGAL DETERRENCE

A. The recorded picture

The NCRB's *Crime in India 2024*, released in May 2026, records 55,698 crimes and atrocities against Scheduled Castes in 2024, a decline of 3.6 per cent from 57,789 in 2023 (and 57,582 in 2022), at a rate of 27.7 per lakh SC population and with a chargesheeting rate of 82 per cent.[4] Uttar Pradesh again recorded the largest number (14,642), followed by Madhya Pradesh (7,765) and Rajasthan (7,008).[5] The same tables

[4] National Crime Records Bureau, *Crime in India 2024: Statistics*, vol I (Ministry of Home Affairs 2026) <https://www.ncrb.mha.gov.in/uploads/files/11CrimeinIndia2024-VolumeI.pdf> accessed 21 November 2026; '2024 NCRB Report: Numbers Reveal Miserably Low Convictions in SC/ST Atrocities' (The Quint, May 2026) <https://www.thequint.com/news/politics/high-crime-rate-against-sc-and-st-communities-in-2024> accessed 21 November 2026.

[5] NCRB, *Crime in India 2024* (n 4); 'Shame on the Numbers: Madhya Pradesh Second Worst in Scheduled Castes Atrocities and Tops in Scheduled Tribes Crimes' (Free Press Journal) <https://www.freepressjournal.in/bhopal/shame-on-the-numbers-madhya-pradesh-second-worst-in-scheduled-castes-atrocities-and-tops-in-scheduled-tribes-crimes> accessed 21 November 2026.

record 4,262 rape cases against SC women in 2024, which indicates that caste violence is also gendered violence.[6]

A falling or rising count is ambiguous. Registration depends on police willing to invoke the SC/ST (Prevention of Atrocities) Act against locally dominant castes, so a decline can signal deterrence or suppressed complaints. NCRB data tabled in the Rajya Sabha on 30 July 2026 show cases registered under the Act rising from 45,995 in 2020 to 53,372 in 2023 and then easing to 48,669 in 2024, alongside more convictions and fewer arrests.[7] That series is confined to cases registered under the Act, whereas the NCRB total above covers all crimes and atrocities against SCs under its wider classification; the two datasets therefore measure different things and should not be compared directly.

B. The enforcement pipeline

The law sets a clear standard. Rule 7(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, as substituted in 2016, requires the chargesheet to be filed in the Special Court within sixty days, and section 14 of the Act provides for Special Courts and time-bound trial.[8] Measured against that standard, chargesheeting averaged 82 per cent nationally in 2024, but it varies sharply between States: in 2023 it ranged from 100 per cent in Goa to under 50 per cent in Rajasthan.[9] The weakest link, however, is the courtroom. Cases under the Act pending trial at the end of the year rose from 1,77,379 in 2020 to 2,87,694 in 2024, while only 5,192 cases ended in conviction in 2024.[10] The Union Law Minister has claimed improved

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[6] NCRB, *Crime in India 2024* (n 4); 'What the NCRB 2024 Data Says about the Lives of Dalit Women' (The Mooknayak) <https://en.themooknayak.com/women-news/what-the-ncrb-2024-data-says-about-the-lives-of-dalit-women> accessed 21 November 2026.

[7] Rajya Sabha, written reply of the Minister of State for Social Justice and Empowerment (30 July 2026); 'More Convictions, Fewer Arrests: What Five Years of NCRB Data Show on SC/ST Atrocities' (SCC Online Blog, 31 July 2026) <https://www.scconline.com/blog/post/2026/07/31/sc-st-atrocities-act-cases-convictions-ncrb-data-2024/> accessed 5 November 2026.

[8] Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995, r 7(2), as substituted by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules 2016, GSR 424(E) (14 April 2016); Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 14.

[9] NCRB, *Crime in India 2024* (n 4); 'The Persistent Persecution of Dalits and Adivasis' (Herald Goa) <https://www.heraldgoa.in/?p=468261> accessed 5 November 2026.

[10] Rajya Sabha, written reply (n 7); SCC Online Blog (n 7).

conviction rates, but the underlying NCRB data show uneven performance that has dipped in some years.[11] A law that promises special courts and speedy trial but delivers a mounting backlog deters little.

C. Violence as social policing

Many attacks are better read as enforcement of a hierarchy than as random crime. Dalit wedding processions are a recurring flashpoint: in May 2025 a procession in Mathura was attacked with rods and sticks in a village with an 80 per cent Dalit population; in Agra armed men demanded that a groom abandon his horse and walk; in April 2026 a physically disabled groom was dragged off a horse in Damoh, Madhya Pradesh; and similar attacks were reported in Mehsana and Aligarh.[12] The trigger is rarely theft or personal enmity. It is a symbolic claim to equal use of public space: who may ride, play music or pass a temple.

D. The misuse debate

In 2018 the Supreme Court in *Subhash Kashinath Mahajan* read safeguards against arrest into the Act; Parliament responded by inserting Section 18A, and the Court upheld that amendment in *Prathvi Raj Chauhan* (2020).[13] The "misuse" argument nevertheless recurs in public debate, even though the pendency and conviction data point to a system that under-delivers for complainants.

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[11] The Week (8 December 2025) <https://www.theweek.in/news/india/2025/12/08/bjp-government-hails-success-but-ncrb-data-shows-a-troubling-reality-for-sc-st-act-cases.html> accessed 5 November 2026.

[12] Free Press Journal (23 May 2025) <https://www.freepressjournal.in/india/shoot-him-if-he-rides-again-dalit-wedding-procession-attacked-in-ups-mathura-groom-dragged-from-horse>; ThePrint (Agra report) <https://theprint.in/india/another-dalit-wedding-procession-attacked-in-up-spat-over-honking-spirals-into-casteist-slurs-in-agra/2543124>; Madhyamam (Mehsana, Damoh and Aligarh reports) <https://madhyamamonline.com/amp/india/dalit-groom-assaulted-baraat-stopped-after-upper-caste-men-object-to-horse-riding-in-gujarat-1520118>, all accessed 5 November 2026.

[13] *Subhash Kashinath Mahajan v State of Maharashtra* (2018) 6 SCC 454; Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018, s 2 (inserting s 18A); *Prathvi Raj Chauhan v Union of India* (2020) 4 SCC 727.

V. LAND AND LABOUR: THE MATERIAL ROOT OF SUBORDINATION

Caste subordination in the countryside rests on who owns the land. The NSS 70th round (2013) found 58.4 per cent of rural SC households landless, a higher share than any other social group; in Haryana, Punjab and Bihar more than 85 per cent of SC households owned no land beyond their homestead plot.[14] Census 2011 data show that about 71 per cent of SC workers in agriculture (cultivators and agricultural labourers taken together) were agricultural labourers, working for wages on land they did not own.[15]

Among SC households that do hold land, the 2015-16 Agriculture Census records that 92 per cent of holdings were marginal or small (under two hectares), together making up only about 9 per cent of operated area, with an average holding of 0.78 hectares.[16] The later NSS 77th round (2019) confirms the pattern: SC households formed only 15.9 per cent of agricultural households in rural India, below their 18.5 per cent share of the rural population.[17]

Landlessness feeds insecure work. The NSS 68th round (2011-12) found about 63 per cent of SC workers in wage labour and 47 per cent in casual wage work, compared with about one third for other groups, so that SCs made up roughly 32 per cent of all casual labourers against about 16 per cent of the population.[18] The Periodic Labour

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[14] National Sample Survey Office, *Household Ownership and Operational Holdings in India: NSS 70th Round* (NSS Report No 571, Ministry of Statistics and Programme Implementation 2015); 'Dalit Farmers Need a Leg Up' *Hindustan Times* (Patiala, 5 March 2018) <https://www.pressreader.com/india/hindustan-times-patiala/20180305/282016147830956> accessed 5 November 2026.

[15] Office of the Registrar General and Census Commissioner, India (n 1); 'Dalit Farmers Need a Leg Up' (n 14).

[16] Department of Agriculture, Cooperation and Farmers Welfare, *Agriculture Census 2015-16 (Phase I): All India Report on Number and Area of Operational Holdings* (Ministry of Agriculture and Farmers Welfare); 'Data about Land Ownership and Landlessness' (Round Table India) <https://www.roundtableindia.co.in/?p=139013> accessed 5 November 2026.

[17] National Statistical Office, *Situation Assessment of Agricultural Households and Land and Livestock Holdings of Households in Rural India, 2019* (NSS Report No 587, Ministry of Statistics and Programme Implementation 2021); Office of the Registrar General and Census Commissioner, India (n 1).

[18] National Sample Survey Office, *Employment and Unemployment Situation among Social Groups in India: NSS 68th Round* (NSS Report No 563, Ministry of Statistics and Programme Implementation 2015); 'SCs among Worst Sufferers of the Job Problem' *Hindustan Times* (Lucknow, 7 September 2018)

Force Survey shows casual work falling to 19.8 per cent of all workers in 2023-24, but SC workers remain over-represented in it.[19] This dependence also leaves workers exposed to retaliation. A study of 441 farm wage labourers reported that about 41 per cent had been denied work by high castes on grounds of caste prejudice.[20]

The policy lesson is sobering. Giving land alone does not end dependence. A recent evaluation of Karnataka's Bhoo Odetana scheme, which gives land to SC women, found household incomes rising to Rs 10,000-20,000 a month, yet 58.76 per cent of beneficiaries still worked as labourers on others' plots, "indicating persistent livelihood insecurity".[21]

Plots that are small, unirrigated and uncredited cannot carry a household, and a transfer of title without water, credit and protection from encroachment leaves the old dependence intact. The deeper problem is that land reform has fallen off the political agenda: the reservation debate concentrates on public jobs and seats, which reach a minority of SC households, while most rural SC households own no land and depend on wages.

VI. SANITATION WORK AND THE PERSISTENCE OF "POLLUTING" OCCUPATIONS

Manual scavenging has been prohibited in law since 1993 and was banned more comprehensively by the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Yet the Ministry of Social Justice and Empowerment told Parliament in November 2024 that 1,248 people had died while cleaning sewers and

<https://www.pressreader.com/india/hindustan-times-lucknow/20180907/282127817363115> accessed 5 November 2026.

[19] National Statistics Office, *Annual Report, Periodic Labour Force Survey, July 2023 to June 2024* (Ministry of Statistics and Programme Implementation 2024) <https://mospi.gov.in/sites/default/files/publication_reports/AnnualReport_PLFS2023-24L.pdf> accessed 21 November 2026; International Labour Organization and Institute for Human Development, *India Employment Report 2024: Youth Employment, Education and Skills* (ILO 2024).

[20] 'SCs among Worst Sufferers of the Job Problem' (n 18).

[21] 'Land-Owning Dalit Women in Karnataka Still Depend on Wage Labour: Study' (Deccan Herald) <https://www.deccanherald.com/india/karnataka/land-owning-dalit-women-in-karnataka-still-depend-on-wage-labour-study-3974954> accessed 5 November 2026.

septic tanks since 1993.[22] The National Commission for Safai Karamcharis records 1,377 such deaths between 1993 and 31 December 2025.[23] In a written reply in the Lok Sabha on 4 August 2026, the Ministry reported 498 deaths in sewer and septic-tank cleaning between 1 January 2019 and 30 June 2026; a reply of 21 July 2026 gave 332 deaths for the shorter window from 1 January 2021 to 30 June 2026.[24] The civil society campaign Safai Karamchari Andolan reports a rise from 39 deaths in 2016 to 121 in 2025, against 46 acknowledged officially for 2025.[25] These counts differ because their base years differ and because there is no central registration system, so the Commission and NGOs are left to compile the record. The discrepancy itself illustrates the problem of measurement taken up in Section 8.

A. The definitional gap

Government replies repeatedly state that no death due to "manual scavenging" has been reported while admitting deaths from "hazardous cleaning" of sewers and septic tanks.[26] The distinction is legal, not merely rhetorical. The 2013 Act defines a "manual scavenger" in section 2(1)(g), and that definition governs identification and rehabilitation; it separately defines "hazardous cleaning" in section 2(1)(d), prohibits

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[22] Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013; PTI, ETV Bharat (28 November 2024) <https://etvbharat.com/en/!bharat/1248-people-died-cleaning-sewer-and-septic-tanks-since-1993-government-enn24112805405> accessed 5 November 2026.

[23] National Commission for Safai Karamcharis, *Annual Report 2025-26*, as reported in The Wire <https://m.thewire.in/article/caste/can-india-be-truly-swachh-if-sanitation-workers-pay-for-it-with-their-lives> accessed 21 November 2026.

[24] Lok Sabha, written reply of the Minister of State for Social Justice and Empowerment (4 August 2026), reported in 'Nearly 500 Sewer, Septic Tank Cleaning Deaths since 2019, Centre Tells LS' *Business Standard* (New Delhi, 5 August 2026) <https://www.business-standard.com/india-news/sanitation-workers-sewer-septic-tank-deaths-since-2019-126080500881_1.html> accessed 21 November 2026; Lok Sabha, written reply (21 July 2026), reported in '332 Sanitation Worker Deaths since 2021; No Plan for Mechanised Sewer Cleaning, Govt Tells Lok Sabha' (ThePrint, 21 July 2026) <https://theprint.in/india/governance/332-sanitation-worker-deaths-since-2021-no-plan-for-mechanised-sewer-cleaning-govt-tells-lok-sabha/2992294/> accessed 21 November 2026.

[25] Safai Karmachari Andolan, 'Press Release' (24 March 2026); 'One Sewer Death Every 45 Hours' (The Wire) <https://m.thewire.in/article/rights/one-sewer-death-every-45-hours-safai-karamchari-abhiyan-asks-prime-minister-to-save-dalit-lives> accessed 5 November 2026.

[26] 'No Manual Scavenger, Hence No Scavenging Deaths: Indian Government in Parliament' (Outlook) <https://www.outlookindia.com/national/no-manual-scavenger-hence-no-scavenging-deaths-indian-government-in-parliament> accessed 5 November 2026.

engaging any person in the hazardous cleaning of a sewer or septic tank in section 7, and penalizes contravention in section 9.[27]

An employer or contractor who sends a worker into a sewer without protective gear can therefore already be prosecuted under section 9 and, where the worker dies, under sections 304 and 304A of the Indian Penal Code or, for incidents after 1 July 2024, sections 105 and 106 of the Bharatiya Nyaya Sanhita, 2023. The gap lies in enforcement: the Ministry has reported only 193 FIRs against agencies and officials in five years, against several hundred deaths.[28] The narrow definition of "manual scavenger" matters chiefly for rehabilitation benefits, within which sewer and septic-tank workers do not ordinarily fall.

B. The caste question

Of 58,098 manual scavengers identified in the surveys of 2013 and 2018, caste data were available for 43,797, and 42,594 of them (about 97 per cent) were Scheduled Castes, according to a written reply in the Rajya Sabha on 1 December 2021.[29] The Minister of State nonetheless told the Lok Sabha on 17 December 2024 that sewer and septic tank cleaning "is an occupation based activity rather than caste based", although 67.91 per cent of the 54,574 validated sewer and septic tank workers were SCs.[30]

The government's mechanization programme, NAMASTE, has operated since 2023-24 under guidelines running to 31 March 2026; it was widened from 2024-25 to cover

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[27] Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, ss 2(1)(d), 2(1)(g), 7 and 9; Indian Penal Code 1860, ss 304 and 304A; Bharatiya Nyaya Sanhita 2023, ss 105 and 106.

[28] Lok Sabha, written reply (21 July 2026), reported in 'Not 332, But 593 Sewer and Septic Tank Workers Dead This Year Already: Safai Karamchari Andolan Asks PM to "Admit Failure"' (The Wire, July 2026) <https://m.thewire.in/article/caste/safai-karamchari-andolan-numbers-government-asks-pm-to-admit-failure> accessed 21 November 2026.

[29] Rajya Sabha, written reply of the Minister of State for Social Justice and Empowerment (1 December 2021); Press Information Bureau, 'Rehabilitation of Manual Scavengers' (1 December 2021) <https://pib.gov.in/PressReleasePage.aspx?PRID=1776848> accessed 21 November 2026.

[30] Press Information Bureau, 'Parliament Question: Welfare and Profiling of Sewer and Septic Tank Workers' (17 December 2024) <https://pib.gov.in/PressReleasePage.aspx?PRID=2085141> accessed 21 November 2026.

waste pickers, and the Ministry has since proposed extending it to rural India.[31] Implementation lags behind design: of 810 sewer and septic tank workers approved for capital subsidy, only 147 had received funds by 31 March 2026, and a Lok Sabha reply of 17 March 2026 reported that at least 622 sanitation workers had died in such incidents since 2017 and that compensation never reached 52 of the affected families.[32]

The sanitation worker is the clearest case of caste operating through the labour market. Municipalities and private contractors outsource a dangerous task to a group whose members have few alternatives, then treat each death as an industrial accident rather than as the outcome of a caste-allotted occupation.

VII. EDUCATION: ACCESS WITHOUT SAFETY

The literacy gap has narrowed. SC literacy rose from 54.7 per cent in 2001 to 66.1 per cent in 2011, and the gap with the total population fell from about 22.2 percentage points in 1981 (43.57 against 21.38 per cent) to about 8 points in 2011 (74.04 against 66.07 per cent), both measured as effective literacy.[33] In higher education, SC enrolment rose to 69.72 lakh in 2023-24, about 15.5 per cent of the 4.50 crore students enrolled, up from 15.3 per cent in 2021-22 but still short of the 16.6 per cent SC share of the population.[34] These are real gains and the reservation system deserves credit for them.

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[31] Ministry of Social Justice and Empowerment, *Scheme Guidelines: National Action for Mechanised Sanitation Ecosystem (NAMASTE)* (Government of India 2023) para 3; Ministry of Social Justice and Empowerment, *Scheme Guidelines for Inclusion of Waste Pickers Component under NAMASTE* (Government of India 2024); 'Centre Set to Expand Mechanised Sanitation Scheme to Rural India' *The Hindu* (New Delhi, 21 August 2026).

[32] 'Centre Set to Expand Mechanised Sanitation Scheme to Rural India' (n 31); '622 Sanitation Workers Died in Sewers, Septic Tanks' (ThePrint, 17 March 2026) <https://theprint.in/india/622-sanitation-workers-died-in-sewers-septic-tanks-across-india-in-9-yrs-52-families-got-0-compensation/2881398> accessed 5 November 2026.

[33] Office of the Registrar General and Census Commissioner, India (n 1); National Commission for Scheduled Castes, *Problems Faced by SC Students in Obtaining Scholarships* (2016) <https://ncsc.nic.in/storage/special_events/etEiZ3GpZSwct9kq1RqzsYOjP6wLXGpsHgyKkjsK.pdf > accessed 5 November 2026.

[34] Ministry of Education, *All India Survey on Higher Education 2021-22* (Government of India 2024) <https://education.gov.in/sites/upload_files/mhrd/files/statistics-new/AISHE%20Book_2021-22_4.pdf> accessed 21 November 2026; Ministry of Education, *All India Survey on Higher Education 2023-24* (Government of India 2026); Office of the Registrar General and Census Commissioner, India (n 1).

The harder problem is what happens once students arrive. Rohith Vemula, a Dalit PhD scholar at the University of Hyderabad, died by suicide in January 2016; Payal Tadvi died by suicide in 2019 after alleged caste harassment. Their mothers petitioned the Supreme Court in 2019 for an enforceable mechanism against caste discrimination in universities.[35] When the Court took up the petition in July 2023, the petitioners stated that over 50 students, mostly from SC and ST backgrounds, had died by suicide in IITs and other institutions since 2004; at the hearing of 3 January 2025, Senior Advocate Indira Jaising told the Court that 115 students had died by suicide in IITs alone between 2004 and 2024.[36] These figures are submissions in litigation, not audited counts, but they point to a pattern for which the sources reviewed show no systematic official count.

The response illustrates the gap between rule and outcome. After a September 2025 Supreme Court direction to tighten the rules, the University Grants Commission notified its Promotion of Equity in Higher Education Institutions Regulations, 2026 on 13 January 2026. On 29 January the Court stayed them as prima facie vague and capable of misuse, leaving the weaker 2012 regulations in force.[37] In August 2026 the Union told the Court it was reconsidering the regulations, and the petitioners' lawyer asked for a fixed timeline.[38] Meanwhile, UGC data submitted to a parliamentary panel and the Court showed discrimination complaints in universities rising by 118.4 per

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[35] *Abeda Salim Tadvi v Union of India* (SC, writ petition filed 2019, pending).

[36] 'SC Says Discrimination in Universities "Very Serious Issue", Asks UGC to Specify Steps Taken to Curb It' (Careers360, 6 July 2023) <https://news.careers360.com/supreme-court-sc-discrimination-educational-institutions-very-serious-issue-ugc-specify-steps-taken-curb-it> accessed 21 November 2026; Debby Jain, 'Caste Discrimination in Colleges: Supreme Court Seeks Data from UGC on Equal Opportunity Cells, Action on Complaints Received' (LiveLaw, 3 January 2025) <https://livelaw.in/top-stories/supreme-court-seeks-data-from-ugc-on-equal-opportunity-cells-complaints-under-2012-regulations-caste-discrimination-279914> accessed 21 November 2026.

[37] ThePrint (report on the stay of the 2026 UGC Regulations) <https://theprint.in/judiciary/new-ugc-rules-on-hold-why-supreme-court-believes-they-are-regressive-can-deepen-caste-divisions/2839882>; Verdictum <https://www.verdictum.in/court-updates/supreme-court/prima-facie-language-regulations-vague-and-capable-misuse-needs-remodulation-supreme-court-stays-2026-ugc-regulations-1605897>, both accessed 5 November 2026.

[38] 'Stayed Earlier, UGC Equity Regulations 2026 Are Now under Reconsideration' (The Wire) <https://thewire.in/law/stayed-earlier-ugc-equity-regulations-2026-are-now-under-reconsideration>; LiveLaw (20 August 2026) <https://www.livelaw.in/top-stories/ugc-equity-regulations-2026-being-reconsidered-centre-tells-supreme-court-546621>, both accessed 5 November 2026.

cent between 2019-20 and 2023-24.[39] Seven years after the petition was filed, the students it was meant to protect still lack a working remedy. Critics see this as a retreat in the face of upper-caste pressure; defenders of the stay argue that vague definitions invite misuse. Both sides agree the 2012 framework is inadequate.

VIII. EMPLOYMENT AND REPRESENTATION: THE NARROWING PYRAMID

The government's position is that SC and ST representation in the central workforce meets the prescribed 15 and 7.5 per cent, and that more than 4.8 lakh backlog reserved vacancies for SC, ST and OBC candidates have been filled since 2016.[40] The aggregate hides a pyramid. A parliamentary committee has flagged that backlog vacancies and outsourcing erode the effect of reservation.[41] The DoPT's Annual Report 2024-25, its first full dataset on representation since 2018-19, places overall SC representation at 16.84 per cent, down from 17.49 per cent in 2018-19. SCs hold 16.20 per cent of Group B posts and 16.75 per cent of Group C posts excluding safai karamcharis, but only 14.20 per cent of Group A posts, where STs hold 6.54 per cent against a 7.5 per cent quota. At the base, more than 66 per cent of Group C safai karamcharis in central employment are from SC, ST or OBC categories.[42]

Higher education shows the same pattern, although the reported figures rest on different bases. A 2022 reply recorded 2,389 of 5,737 posts reserved for SCs in 45 central universities as vacant. In November 2024, 740 of the 2,750 vacant reserved teaching posts in central universities were SC posts, and on 31 January 2025 SC

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[39] 'Stayed Earlier, UGC Equity Regulations 2026 Are Now under Reconsideration' (n 38).
[40] Rajya Sabha Unstarred Question No 2841 (19 December 2024) <https://rsdebate.nic.in/bitstream/123456789/753165/1/PQ_266_19122024_U2841_p348_p348.pdf> accessed 21 November 2026; Lok Sabha Unstarred Question No 687 (3 December 2025).
[41] 'House Panel Flags Low SC/ST Representation in Top Govt Posts' (ThePrint) <https://theprint.in/india/house-panel-flags-low-sc-st-representation-in-top-govt-posts-as-low-as-4-8-against-22-5-quota/1695602> accessed 5 November 2026.
[42] Department of Personnel and Training, *Annual Report 2024-25* (Government of India 2026); '66% Group C Sanitation Workers Employed with Union Government Are from SC, ST, OBC Communities: Report' (The Wire, January 2026) <https://thewire.in/caste/66-group-c-sanitation-workers-employed-with-union-government-are-from-sc-st-obc-communities-report> accessed 21 November 2026.

teaching vacancies stood at 788.[43] Table 1 sets out the series. Reserved posts that stay empty cost nothing politically, because no individual is visibly denied.

Table 1: Vacant SC posts in central universities, 2022 to 2025

Position reported	**Posts covered**	**Vacant SC posts**	**Source**
2022	Posts reserved for SCs, 45 central universities	2,389 of 5,737	Parliamentary reply (2022)
July 2024	Teaching and non-teaching posts	2,202 (736 teaching; 1,466 non-teaching)	Lok Sabha reply, 22 July 2024
November 2024	Teaching posts	740 (of 2,750 vacant reserved teaching posts)	Lok Sabha reply, 25 November 2024
31 January 2025	Teaching posts	788	Rajya Sabha reply, 12 March 2025

Two structural gaps remain. Reservation covers public employment and public universities, yet the formal private sector and outsourced work, where much new employment is created, fall outside it. And the State does not maintain a central, public record of vacancies in reserved posts: the government told Parliament in December 2024 that vacancy details are maintained by the respective ministries, departments and organisations, which weakens accountability.[44]

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[43] 'Why Are Seats Reserved for Dalits and OBCs Still Vacant' (Forward Press, June 2022) <https://forwardpress.in/2022/06/why-are-seats-reserved-for-dalits-and-obcs-still-vacant> accessed 5 November 2026; 'Close to 7,000 Posts for SC, ST, OBCs Vacant in Central Universities: Education Ministry' (Careers360, 22 July 2024); 'Over 5,000 Teaching Vacancies, 2,000 Unfilled Reserved Posts in Central Universities: Education Ministry' (Careers360, 25 November 2024) <https://news.careers360.com/teaching-vacancy-central-university-5000-education-ministry-lok-sabha-recruitment-reserved-post-backlog-sc-st-obc-higher-education> accessed 21 November 2026; '5,400 Teaching Posts Vacant in Varsities across Country; Half of Them Reserved: Centre' (ThePrint, 12 March 2025) <https://theprint.in/india/5400-teaching-posts-vacant-in-varsities-across-country-half-of-them-reserved-centre/2545501> accessed 21 November 2026.

[44] Rajya Sabha, written reply of the Minister of State for Personnel (19 December 2024), reported in 'Over 4 Lakh Reserved Posts Filled since 2016, Says Union Minister' (Pratidin Time)

IX. RESERVATION POLITICS: SUB-CLASSIFICATION, THE CREAMY LAYER AND EXCLUSION BY RELIGION

A. Sub-classification

On 1 August 2024 a seven-judge Constitution Bench held in *State of Punjab v. Davinder Singh* (2024 INSC 562), by a 6:1 majority, that states may sub-classify Scheduled Castes to give additional quota to the more disadvantaged groups within them. The ruling overruled *E.V. Chinnaiah v. State of Andhra Pradesh*, which had treated SCs as one homogeneous class.[45] Some judges went further and said the "creamy layer" among SCs and STs should be identified and excluded from quota benefits.[46]

The argument for the ruling is that benefits have in practice been captured by better-placed communities within the list, and that equality of opportunity requires attention to the least represented. The criticism is also substantial. Sub-classification, which is group-based, and creamy-layer exclusion, which is individual-based, are different tools, and the Court did not settle whether the second applies after the first.[47] Critics also warn of competitive litigation among SC groups and note that the Court left the design of the creamy-layer test to the states.[48]

A further point is easily missed. Sub-classification redistributes a scarce stock of reserved posts and seats. Section 6 shows that this stock is often not filled, and that the private sector and outsourced work sit outside it. Fairness within the SC category matters, but it addresses only part of a larger deficit in the number of opportunities.

<https://www.pratidintime.com/national/over-4-lakh-reserved-posts-filled-since-2016-says-union-minister-8542649> accessed 21 November 2026.

[45] *State of Punjab v Davinder Singh* 2024 INSC 562; *State of Punjab v Davinder Singh* (2020) 8 SCC 1 (reference order); *E V Chinnaiah v State of Andhra Pradesh* (2005) 1 SCC 394.

[46] *Davinder Singh* 2024 INSC 562 (n 45).

[47] 'Creamy Layer: A Proper Yardstick' (Bar & Bench) <https://www.barandbench.com/columns/creamy-layer-a-proper-yardstick-to-determine-backwardness-within-scheduled-castes-tribes> accessed 5 November 2026.

[48] 'Sub-classification of Scheduled Castes: Homogeneity in Forwardness, Non-homogeneity in Backwardness' (The Leaflet) <https://theleaflet.in/sub-classification-of-scheduled-castes-homogeneity-in-forwardness-non-homogeneity-in-backwardness/> accessed 5 November 2026.

B. Exclusion of Dalit Christians and Muslims

Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 limited SC status to Hindus; it was extended to Sikhs in 1956 and Buddhists in 1990, but not to Christians or Muslims of Scheduled Caste origin.[49] Petitions challenging this have been pending in the Supreme Court since 2004. The Ranganath Misra Commission (2007) recommended making SC status religion-neutral; the Union government told the Court in December 2022 that it did not accept that report, having constituted a new commission under former Chief Justice K.G. Balakrishnan in October 2022.[50]

That commission received a third extension to 10 June 2026 and reportedly completed its report by that date.[51] Meanwhile, on 24 March 2026, a two-judge Bench held in *Chinthada Anand v State of Andhra Pradesh* that a person who converts to Christianity loses SC status and cannot invoke the Atrocities Act, describing the bar in Clause 3 of the 1950 Order as absolute.[52] The ruling arose from a pastor's complaint of caste abuse, which ties the religion bar directly to the enforcement problem in Section 2, but it does not settle the constitutional challenge, which still awaits the larger Bench.

Dalit Christian groups call the commission a delaying tactic, and the Centre has argued that untouchability is not practised within Christian and Islamic societies.[53]

The difficulty with the government's position is that it makes a legal entitlement depend on religion, while the disadvantage the entitlement addresses is social. If caste

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[49] Constitution (Scheduled Castes) Order 1950, para 3; 'Government Forms Commission to Review Granting of Scheduled Caste Status' (CSW, 14 October 2022) <https://www.csw.org.uk/2022/10/14/press/5842/article.htm> accessed 5 November 2026.

[50] The Wire (7 December 2022) <https://m.thewire.in/article/law/dalit-muslims-christians-reservation-supreme-court-centre/amp>; Verdictum (on the writ petition pending since 2004) <https://www.verdictum.in/court-updates/supreme-court/sc-status-to-dalit-converts-plea-refused-former-cji-1459007>, both accessed 5 November 2026.

[51] Ministry of Social Justice and Empowerment, notification of 9 April 2026 extending the term of the Commission of Inquiry to 10 June 2026; 'Report on SC Status for Dalit Christians and Muslims Ready for Submission' (Catholic Connect, 12 June 2026, reporting *The Hindu*) <https://catholicconnect.in/news/report-on-sc-status-for-dalit-christians-and-muslims-ready-for-submission> accessed 21 November 2026.

[52] *Chinthada Anand v State of Andhra Pradesh* 2026 INSC 283 (SC, 24 March 2026).

[53] TwoCircles.net <https://twocircles.net/?p=448076>; The Tribune <https://www.tribuneindia.com/news/nation/centre-opposes-reservation-for-dalit-christians-muslims-449293/amp>, both accessed 5 November 2026.

stigma follows a person across the Hindu, Sikh and Buddhist boundaries, as the 1956 and 1990 amendments implicitly accept, the burden falls on the State to show why it ends at conversion to Islam or Christianity.

X. CRITICAL ASSESSMENT: WHY RULES OUTRUN OUTCOMES

The evidence in sections 2 to 7 points to five recurring causes.

1. **Enforcement depends on local power:** The police, prosecutors and trial courts operate inside the same social order the Atrocities Act is meant to restrain. Chargesheeting rates that range from 100 per cent to under 50 per cent between States, and a trial backlog under the Act that grew to almost 2.88 lakh cases by 2024, suggest that the decisive variable is administrative will, not statutory text.
2. **Invisibility in the data:** Deaths in sewers are recorded as "hazardous cleaning", official counts of those deaths fall far below civil-society counts, reserved vacancies are not tracked in one public register, caste data on identified scavengers are not maintained, and the sources reviewed show no systematic official count of caste-linked student suicides. What is not measured is not managed, and officials can truthfully report that no "manual scavenging" deaths occurred while the same workers die.
3. **Mobility schemes do not touch structure:** Reservation raises individuals into the public sphere and has produced real gains, but it leaves untouched the land, labour and violence relations that bind the majority. The Karnataka land study shows that even a title does not end wage dependence without supporting inputs.
4. **The State reproduces caste in its own institutions:** In *Sukanya Shantha v Union of India* (3 October 2024) the Supreme Court struck down provisions in state prison manuals that allotted cleaning and menial work by caste and segregated prisoners by caste, directed the Union to amend the model prison rules, and opened a suo motu case, *In re: Discrimination Inside Prisons in India*, to monitor

compliance by states.[54] In February 2025 the Court made the NCRB a party and directed it to file a compliance report; on 3 November 2026 it recorded that 23 States and Union Territories had still not supplied the information sought by the Union Home Ministry, and warned that their Chief Secretaries could be summoned at the next hearing in January 2027.[55] Two years after the judgment, compliance remains incomplete, which indicates how slowly such directions travel.

5. **Courts both advance and slow reform:** The judiciary restored the Atrocities Act's arrest provisions and struck down caste-based prison rules, yet its stay of the 2026 UGC regulations and the years-long pendency of the Vemula-Tadvi petition and the 2004 Dalit convert petitions show hesitation where upper-caste opinion is most organized.

6. **What has improved:** A fair reading must also record progress. The literacy gap has narrowed sharply, SC enrolment in higher education has risen to about 15.5 per cent, close to but still below the population share, chargesheeting is high in most states, and recently tabled data show more convictions under the Atrocities Act. Rising numbers of registered cases may partly reflect greater willingness to complain rather than more violence. The argument here is not that nothing has changed but that change is slower and more uneven than the constitutional promise implies, and that it is weakest where caste is tied to land, sanitation work and local dominance.

XI. SUGGESTIONS AND RECOMMENDATIONS

The evidence suggests six priorities; each tied to a finding identified above.

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[54] *Sukanya Shantha v Union of India* 2024 INSC 753.

[55] *In re: Discrimination Inside Prisons in India* SMW(C) No 10 of 2024 (SC, 18 February 2025); 'Supreme Court Gives Last Opportunity to States to Provide Information Sought by Centre in Prison Discrimination Case' (LiveLaw, 3 November 2026) <https://www.livelaw.in/top-stories/supreme-court-gives-last-opportunity-states-provide-information-centre-prison-discrimination-case-557081> accessed 21 November 2026.

1. **Make enforcement accountable:** Publish state-wise compliance with the sixty-day chargesheet requirement in rule 7(2) of the 1995 Rules and with the time-bound trial mandate in section 14 of the Act, and fix responsibility on supervising officers where either is missed (Section 2).
2. **Count what matters:** Maintain a central register of sewer and septic-tank deaths and of reserved vacancies, caste-disaggregated data on sanitation workers, and a public record of caste-discrimination complaints and student suicides in higher education (Sections 4 to 6).
3. **Enforce the ban on hazardous cleaning:** Register a case under section 9 of the 2013 Act and, where a worker dies, under sections 105 and 106 of the Bharatiya Nyaya Sanhita against the employer or contractor in every case, extend compensation without proof hurdles, and tie municipal funding to verified mechanization (Section 4).
4. **Return land to the agenda:** Pair any distribution of land with irrigation, credit and protection from encroachment, and prioritize homestead and tenancy security for landless households (Section 3).
5. **Give campuses an enforceable remedy:** Complete the revision of the UGC equity regulations with a precise definition of discrimination, an independent grievance mechanism and protection against retaliation, on a fixed timeline (Section 5).
6. **Settle the contested questions:** Decide the 2004 petitions on SC status for Dalit Christians and Muslims, engaging directly with the Clause 3 reasoning in *Chinthada Anand* and its consequence that converts lose the protection of the Atrocities Act, and require states that sub-classify to base it on published data on inadequate representation (Section 7).

XII. CONCLUSION

This article asked whether the legal framework built between 1950 and 2026 reliably delivers protection and opportunity to Scheduled Castes and, where it falls short, why. On the first question, the answer is that it does not, although it has delivered real gains in literacy, higher-education enrolment and recorded convictions. Trial

pendency under the Atrocities Act keeps rising, sewer deaths continue under a statute that already prohibits hazardous cleaning, SC representation thins at the top of public employment, and Dalit converts remain outside the SC category while their challenge awaits decision.

On the second question, the shortfall lies less in the text of the law than in its operation: enforcement depends on local power, the worst harms go uncounted, and mobility schemes leave land and labour relations intact. The reforms set out in Section 9 follow from that diagnosis. Scheduled Castes today are not without rights; they are without reliable remedies. A family that can be refused a horse at a wedding, landed only as a labourer, or sent into a sewer without protection is not yet equal in the sense Article 17 intended. The next phase of reform lies less in new statutes than in implementation: courts that decide, officials who are answerable, and data that make the failures visible.

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