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DENIED IDENTITY: EXAMINING THE INFRINGEMENT OF FUNDAMENTAL RIGHTS THROUGH THE BAN ON CASTE DECAL FOR VEHICLES

Lakshay Gupta¹ & Shaivi Agnihotri²

I. ABSTRACT

Caste and religious decals on cars have drawn a lot of attention, particularly considering the Uttar Pradesh police's recent enforcement campaign against them. Numerous court rulings and orders have emphasised the ban on these decals, highlighting issues with social harmony and public order. Nonetheless, objections to these prohibitions have been made, pointing out that the Indian Constitution's fundamental rights have been violated.

Three fundamental rights— Article 14 (Equality before the law), Article 19 (Freedom of speech and expression), and Article 21 (Protection of life and personal liberty)— intersect with the ban on caste and religious decals. Since Article 14 guarantees equality and the protection of the law, banning these decals might be unfair and discriminatory. It is implied that prohibiting these decals may limit expression, association, and identity assertion whereas, Article 19 protects the freedoms of speech, association, and movement. The protection of the right to life and liberty, which includes autonomy and dignity, is provided by Article 21. This right may be jeopardised by restricting speech and upholding discrimination.

These prohibitions are still in effect despite legal challenges, and violations are subject to fines under certain provisions of the Motor Vehicle Act. But since the Act doesn't specifically forbid caste or religious decals, it's unclear whether the fines levied for their display are justified. Furthermore, the Act usually permits small modifications, such as stickers, provided they don't change the fundamental design of the vehicles.

¹ (Student of B.B.A.LLB at Christ Deemed to be University Delhi, NCR campus)

² (Student of B.B.A.LLB at Christ Deemed to be University Delhi, NCR campus)

The prohibitions on religious and caste decals seek to address social issues, but to be justified as constitutional, they must pass the reasonableness test. Navigating this complicated issue requires striking a balance between societal interests and individual freedoms to protect both that is our fundamental rights and advance inclusivity and social harmony.

II. KEY WORDS

Ban on Decals, Religion and Caste Stickers, Vehicle Regulations, Freedom of Speech, Personal Liberty, Equality Before Law, Traffic Police Enforcement, Fundamental Rights Violation, Reasonableness Test, Public Order, Minor Fitments, Supreme Court Rulings, Social Identity Expression, Cultural Identity, Motor Vehicle Act 1988 Section 179 Section 52, Golden Triangle of the Constitution, Article 14, Article 19, Article 21

III. INTRODUCTION

The issue of ban on religion and caste decal on vehicle has been in the highlights from several years and recently in 2020 Uttar Pradesh police has made a drive for imposing challan against vehicle bearing stickers of caste or religion since police has seen the practice of putting sticker like Jat, Kshatriya, Yadav, Gurjar, Brahmin, Hindu, Thakur and 786 etc.³

According to the authority the vehicle should not comprise of sticker anywhere on number plate, wind screen and body of vehicle as stated by Anil Kumar Yadav Deputy Commissioner of Police (Traffic) of Gautam Budh Nagar “A fine of Rs 1,000 is imposed for the display of caste or religion-based text or symbols on a vehicle. If such markings are found on the number plate, the penalty escalates to Rs 5,000.⁴ As per the stipulations of the Motor Vehicle Act, any content other than the vehicle number is considered illegal on the number plate,”⁵

³ Cartog, <https://www.cartog.com/up-police-begin-removing-jat-yadav-brahmin-and-other-stickers-on-cm-yogis-direction/> (August 25 2023)

⁴ CNBC TV 18, <https://www.cnbc18.com/india/uttar-pradesh-cracks-down-on-caste-based-stickers-on-vehicles-challans-over-2300-violators-17636581.htm>, (August 25, 2023)

⁵ Times of India, <https://timesofindia.indiatimes.com/city/lucknow/action-against-vehicles-flashing-caste-names-in-uttar-pradesh/articleshow/79985440.cms>, (Dec 28, 2020)

In various court judgement also, it has been seen that the applying sticker of caste and religion and designation (ex-government officer, advocate, army, press, chairman) was restricted. In the case of Court on its own motion Versus the Chandigarh Administration and others⁶ the Punjab and Haryana high court ordered to all the commissioner and authority of the states to not to allow the use of VIP symbols on private vehicle in the territory⁷. The greater Chennai Traffic police released a press note ⁸number 89/04/24 specifying the restriction of unauthorised stickering on private vehicle and as stated by the authority the person shall be booked under section 198 and 177 of motor vehicle act and rule 50 of Central Motor Vehicle Rule

However supreme court in the judgement of Regional Transport Officer v K Jayachandra (2019) ⁹ the Supreme court ruled that the RTO does not need to be burdened for every minor alteration such as fitting accessories, if there is no change in the vehicle basic structure it will not be considered as altering its “basic structure” and if at variance with the particulars of registration then these alterations are illegal. The increase in tyre size has sought to be made illegal in view of safety concerns by the legislature and this has been recognised and affirmed by the Supreme Court.¹⁰

Thus, the sticker of the caste and religion should also fall in the category of minor fitment only as does not alter any fundamental structure of the vehicle also by putting the stickers of caste and religion some backward class groups are getting identified and promoted example Jat, Gurjar, Yadav etc fall in the backward class category in certain areas and by applying stickers they are promoting their religion and caste and so getting identified. It can be also said that it is nowhere written and interpreted that the applying of the stickers on the vehicle body and windscreen is violation of the provision of the Motor Vehicle Act .It is true that the applying of stickers on the

⁶ Court on its own motion v . the Chandigarh Administration and others, AIROnline 2020 P and H 122 (2020) 4 Rec Civ R 1

⁷ P T C News, <https://www.ptcnews.tv/after-chandigarh-stickers-on-vehicles-banned-in-haryana-hn>, (February 5,2020)

⁸ TEAM-BHP.COM, <https://x.com/ChennaiTraffic/status/1784261675958313366> , (April 27 2024)

⁹ Regional Transport Officer v. K Jayachandra AIRONLINE 2019 SC 12

¹⁰ The WIRE, <https://thewire.in/law/why-you-should-think-twice-before-modifying-your-car>, (February 12 2023)

number plate leads to violation of security standards as high security registration plate¹¹ leads to identification of vehicle easily and applying stickers on it will nullify its motive and effect but applying stickers on the vehicle body and windscreen does not interfere with any safety standards whereas gives the owners right to express and promote their caste and religion

According to the constitution of India fundamental right of freedom of speech and expression (Article -19)¹², protection of personal life and liberty (Article 21)¹³ and Equality before law (Article 14)¹⁴ is getting infringed as by applying stickers of caste and religion they get freedom of speech and expression and personal liberty and equality and thus the vehicle owners are not able to exercise their fundamental rights. They exercise their freedom of speech and expression (Article 19) by showing support to particular religion or caste and also by article 21 the vehicle owner has personal liberty to enjoy liberty till extent not violate any rights of others and by pasting stickers they promote their religion and so article 14 is being used

IV. VIOLATION OF FUNDAMENTAL TRIANGULATION

A. IMPORTANCE OF TEST OF REASONABLENESS

The courts are being questioned about the test of reasonableness which is a legal standard used to judge whether laws or government actions that might violate the fundamental rights protected by the constitution are legitimate. In evaluating whether the restriction on the installation of caste decals on automobiles violates fundamental rights, the reasonableness test¹⁵ becomes essential to establishing the constitutionality of the restriction. For which we'll be discussing about the golden triangle rule covering three fundamental rights guaranteed to us by our constitution of India. Pertains to

¹¹ HINDUSTAN TIMES, <https://www.hindustantimes.com/cities/noida-news/noida-traffic-police-starts-penalising-vehicle-owners-for-religion-and-caste-stickers-yogi-adityanath-s-directive-101692726326617.html>

(Aug 22, 2023 11:15 PM IST)

¹² INDIA CONST. art. 19, amended by The Constitution (Eightieth Amendment) Act, 2000.

¹³ INDIA CONST. art. 21, amended by The Constitution (Eightieth Amendment) Act, 2000.

¹⁴ INDIA CONST. art. 14, amended by The Constitution (Eightieth Amendment) Act, 2000.

¹⁵ Riasa Barker Gillette, <https://www.riabarkergillette.com/uk/what-is-the-reasonableness-test/>, (Jun 4, 2024)

Article 14 - Equality before law; Article 19 - right of freedom of speech and expression and Article 21- protection of personal life and liberty.

- **Article 14**

Article 14¹⁶ of the Indian Constitution delivers equality before law and protection of laws for its individuals and people residing within its jurisdiction. It is claimed that a legislation prohibiting the installation of caste emblems on automobiles violates Article 14 which explicitly implies that law may consider the prohibition to be discriminatory or unfair. It is suggested that prohibiting caste decals from cars violates people's right to their cultural identity and to what they regard themselves as Individuals. People should be free to show identifiers or symbols that are significant to their cultural or social identities and that outlawing caste decals would unfairly target a specific group, which would not only lead to violating their utmost fundamental right but also minimising their future aspects in various ways and many circumstances related to the same.

In the case of *State of Karnataka v. Appa Balu Ingale*¹⁷, held in the year 1993 by the Supreme Court, the state government's notification forbade the placing of caste stickers on automobiles was challenged wherein, The ban was upheld by the Karnataka High Court, which found that it was a reasonable restriction to maintain public order and prevent social unrest.

There are various such other case laws including the case of *Veeramma vs. Deputy Commissioner, Raichur* (2009)¹⁸, wherein, it was clearly discussed by the Karnataka High Court which promoted the banning of the stickers, on the note that it would lead to peace and harmony. Herein, the test of reasonableness has a legitimate purpose of protecting individual's rights on and by uplifting the ban on the caste decal for vehicles.

- **Article 19**

¹⁶ *Id.* at 12.

¹⁷ *State Of Karnataka vs Appa Balu Ingale and Others*, AIR1993SC1126,

¹⁸ *Veeramma vs Deputy Commissioner And Ors.* , ILR2005KAR1381

Certain freedoms are guaranteed to Indian citizens by Article 19¹⁹ of the Indian Constitution, including the freedoms of speech, expression, assembly, association, movement, residence, and profession. There are a few factors to consider when analysing the effects of prohibiting caste decals on automobiles via the prism of Article 19. This has been further classified into 3 parts following,

Article 19(1)(a)²⁰ which talks about Freedom of Speech and Expression Caste decals on cars can be viewed as a kind of expression that represents a person's social or cultural identity. This freedom might be violated by a ban on these decals, especially if people feel that it limits their ability to express who they are or what they believe.

Article 19(1)(c)²¹ of the Constitution grants people the freedom to associate with people who share their caste identity. It is One of many ways to express this association is by wearing caste decals. By restricting how people can openly express their affiliations, a ban on these decals may obliquely violate this freedom.

Article 19(1)(d)²² which talks about Freedom of Movement throughout the Territory of India Some people might see the caste decals on their cars as a means of claiming their identity when they're on the road. Since a ban on these decals limits their ability to express who they are while they are moving, it may be explained that it violates their right to freedom of movement.

Although the situation of a ban on caste decals for vehicles may not be directly addressed in the following cases, they do offer guidelines and precedents that courts can consider when assessing such restrictions. The freedom of speech and expression and the freedom of movement guaranteed by Article 19 would likely be examined by the courts, along with the necessity and reasonableness of any restrictions imposed to further a legitimate state interest.

¹⁹ *Id.* at 10.

²⁰ INDIA CONST. art. 19(1)(a), amended by The Constitution (Eightieth Amendment) Act, 2000.

²¹ INDIA CONST. art. 19(1)(c), amended by The Constitution (Eightieth Amendment) Act, 2000.

²² INDIA CONST. art. 19(1)(d), amended by The Constitution (Eightieth Amendment) Act, 2000.

For instance, in the case law of *Sakal Papers (P) Ltd. v. Union of India*²³ which was held in the year 1962: Article 19(1)(a) restrictions on press freedom were at issue in this case. According to the Supreme Court, any limitations on this freedom must be justifiable and beneficial to the public.

In the case of *Romesh Thapar v. State of Madras (1950)*²⁴ , the Supreme Court established that the freedom to circulate ideas and opinions freely is protected by Article 19(1)(a) of the Declaration of Independence. According to the Supreme Court, limitations on this freedom must be specific and cannot be arbitrary or ambiguous.

Any limitations on the rights protected by Article 19 must pass the reasonableness test for them to be justified and serve the interests of the public at large. It demands that limitations be proportionate to the goals they aim to achieve and justified by valid state objectives.

- **Article 21**

Article 21 ²⁵of the Indian Constitution protects the right to life and individual freedom. Caste decals on cars are forbidden, the Indian judiciary's expansive interpretation of it has led to its application in a variety of contexts, including matters pertaining to equality, non-discrimination, and dignity.

For this it can be discussed through various lenses:

To be more concise, it is possible to argue that prohibiting caste decals upholds people's rights to dignity by halting the spread of prejudice and stereotypes based on caste. Permitting these symbols to be seen on automobiles can undermine the dignity and sense of community in some communities by adding to their stigma.

The Indian judiciary has interpreted Article 21 of the Constitution, guaranteeing the right to life and personal liberty, to include a wide range of aspects of human dignity and autonomy. A key component of Article 21 is right to liberty, which gives people the ability to express their identities and affiliations within the parameters of the law.

²³ *Sakal Papers (P) Ltd., And Others vs The Union Of India* , 1969 1962 AIR 305,

²⁴ *Romesh Thappar vs The State Of Madras* , 1950 AIR 124

²⁵ *Id.* at 11

The prohibition on caste decals violates this constitutional guarantee by restricting people's freedom to publicly express their caste identities and live their liberty.

Furthermore, by pushing caste identities underground rather than encouraging candid communication and reconciliation, the ban may make matters worse rather than better. The ban may unintentionally contribute to the continuation of caste-based discrimination by stifling outward displays of caste and forcing conversations about them into the private sphere, where they are ignored and uncontested.

V. HISTORY

From 2019 the issue of decaling on the vehicle was in highlight as the judgement of various high courts were passed stating not to allow applying of stickers on vehicle some of the are

Allahabad high court ²⁶ in 2019 delivered the judgement and imposed ban on stickers. In 2019 Bombay high court ²⁷as in 2019 also imposed ban on applying of stickers and authority also traffic authority played vital role to curb the practices. Later on, in the year 2020 the Madras high court in the case of V. Ramesh V. The Vice-Chancellor, Dr. Ambedkar Law University and Ors ²⁸ordered ban on applying of stickers. The Punjab and Haryana high court also imposed ban on VIP symbols or sticker on vehicle in the year 2020²⁹. The greater Chennai traffic police also imposed ban on decaling of stickers on vehicle in year 2024³⁰.

Harshpal Prabhu from Maharashtra on December 4th 2019 wrote the letter to Prime Minister ³¹raising issue of the applying stickers of caste based he said that “it’s a superiority complex” and should be checked “to stop caste-based crime” ³²facing this concern the additional transport commissioner Mukesh Chandra tagging a letter

²⁶ Live law .in, <https://www.livelaw.in/news-updates/desist-from-displaying-designation-147713?infinitemscroll=1>, (September 3 2019)

²⁷ Dna correspondent, <https://www.dnaindia.com/mumbai/report-mumbai-traffic-police-to-crack-down-on-fake-police-logo-stickers-on-vehicles-2765436>, (July 27 2019)

²⁸ Law trend, https://lawtrend.in/can-stickers-of-advocate-doctor-police-be-legally-used-on-vehicles/#google_vignette, (June 20 2021)

²⁹ *Id.* at 5

³⁰ *Id.* at 6

³¹ The logical India, <https://thelogicalindian.com/fact-check/caste-on-vehicles-25720>, (December 27 2020)

³² *Id.* at 3

which was addressed to Prime Minister said that this trend can be seen in Uttar Pradesh and other territory.

In Uttar Pradesh Prashant Kumar, special DG (law & order), after seeing the issue was at the peak as number of vehicles was displaying the religious and caste stickers thus started a drive and in Noida³³ around 1073 people were fined for displaying caste and religion stickers and several challan were imposed all over the state territory over 2300 challans were imposed in a day for applying the caste and religion stickers, in the districts also there were many offenders as in kaushambi ³⁴20 offenders were caught for flashing the stickers of caste and religion on vehicle

VI. REFERENCE TO MOTOR VEHICLE ACT 1988

- SECTION 179 (1) ³⁵

It specifies that Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence be punishable with fine which may extend to five hundred rupees.

Under any provision of motor vehicle act it is nowhere clearly mentioned that applying stickers of caste and religion and of designation is banned. And according to the authority the fine has been imposed under section 179 and in this provision pasting of stickers in not discussed and also considering the direction of authority the authority also does not possess power to infringe any person fundamental right and by the direction of not allowing them to apply it violates their fundamental right as fundamental right lies is basic structure doctrine on which no authority has power to amend the laws

³³ *Id.* at 9

³⁴ Times of India, <https://timesofindia.indiatimes.com/city/allahabad/caste-religious-signs-on-vehicles-invite-fine-in-kaushambi/articleshow/103744389.cms> ,(September 18 2023)

³⁵ THE MOTOR VEHICLES ACT, 1988 ,§179,No. 59,Acts of Parliament, 1988 (India).

In the direction of additional transport Commissioner ³⁶Mukesh Chandra who ordered to fine vehicle flashing the sticker of caste and religion in Uttar Pradesh and in the direction of Greater Chennai Traffic police ³⁷also they have imposed restriction on applying of stickers on vehicle. It can be inferred that the authority has been violating the fundamental right of general public

- **SECTION 52** ³⁸

It specifies about alteration in motor vehicle. – (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer. – For the purposes of this section, “alteration” means a change in the structure of a vehicle which results in a change in its basic feature

It can be deduced from the provision that modification can be done but to some extent of fitments for example door protectors were allowed and window rain guards were allowed etc. Stickers of caste and religion shall also come under the category of minor fitment only as no basic structure is changed. By doing changes in the engine, chassis, fuel conversion leads to major structural change while pasting stickers on vehicle does not leads to change in basic structure of vehicle and it can be opined that by applying stickers this provision is not violated. In the judgment of Regional Transport Officer v K Jayachandra (2019)³⁹ supreme court decided that RTO need not be burdened by every minor fitment and minor fitments were allowed by this judgment

- **SECTION 177**⁴⁰

It specifies that General provision for punishment of offences. –Whoever contravenes any provision of this Act or of any rule, regulation or notification made there shall, if no penalty is provided for the offence, then the person will be punishable for the first offence with fine which may extend to one hundred rupees, and for any second or subsequent offence with fine which may extend to three hundred rupees.

³⁶ *Id.* at 9

³⁷ *Id.* at 6

³⁸ THE MOTOR VEHICLES ACT, 1988 ,§52,No. 59,Acts of Parliament, 1988 (India).

³⁹ *Id.* at 8, 39

⁴⁰ THE MOTOR VEHICLES ACT, 1988 ,§177,No. 59,Acts of Parliament, 1988 (India).

As the provision also states that punishment for those persons who contravenes any provision of this act and in act it is nowhere mentioned that flashing of stickers of caste and religion is restricted and also taking into consideration rule, regulation and notification it violates the fundamental right of people.

VII. CONCLUSION

In conclusion legalisation should make clear provision considering the fundamental rights mentioned in the constitution as there is nowhere mentioned in the motor vehicle act that the decaling of caste and religion is not allowed .The traffic police officers should also follow the orders of judiciary as supreme court in the judgement of *Regional Transport Officer v K Jayachandra (2019)*⁴¹ allowed the decal on the vehicle and so caste and religion decal should also fit in the category of decal. The judiciary also should also consider that the prohibitions on religious and caste decals seek to address social issues, but to be justified as constitutional, they must pass the reasonableness test as by allowing the decal other person rights and safety are not getting infringed and also consider the golden triangle of the constitution that is Article 14 protects equality and law, Article 19 safeguards freedoms of speech, association, and movement, and Article 21 ensures the right to life and liberty and by imposing ban these are getting infringed. In final conclusion the Supreme court of India shall take up the social issue and shall deliver a judgement with justice, equity and good conscience by allowing the caste and religion decal on vehicle.

⁴¹ *Regional Transport Officer vs K. Jayachandra Etc.* 2019AIR 2019 SUPREME COURT 362