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BREAKING THE BRAHMINICAL MIRROR: CASTE, CONSTITUTION, AND THE QUEST FOR TRUE EQUALITY

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ABSTRACT:

This analysis evaluates the significant challenges India faces in changing its constitutional discrimination approach and judicial framework toward caste practices while demonstrating the difference between legal promises and real Dalit experience. Article 17's abolition of untouchability has not stopped the judiciary from interpreting caste oppression in a restricted manner because it ignores structural and symbolic forms of discrimination. The evaluation challenges community-based SC identification processes because they establish unconstitutional social divisions within caste systems. The paper adopts Owen Fiss's anti-discrimination and group-disadvantaging principles to support a transition toward substantive equality, which addresses both historical and systemic disadvantages. This piece examines how caste identification exists both within legal systems and social interactions before asking for judicial system reform to unite the legal process with Dalit real-world experiences. This paper advocates framework changes in sociological institutions, cultural structures, and legal systems because they are essential to end Brahminical dominance and create an equal casteless society.

INTRODUCTION:

The Indian constitutional structure bases its foundation on justice principles alongside equality to eliminate established social hierarchies. The core goal of this vision includes fighting against caste-based oppression with special attention to the historical exclusion of Dalits.¹ Article 17 of the Constitution officially eliminated untouchability, yet the judicial system, together with society, demonstrates restricted comprehension regarding how caste discrimination expresses itself in daily life. Caste functions as an active social force that continues to determine how

¹ Hemant More, Abolition of Untouchability (Article 17), The legal Quotient (March 20, 2025, 8:00 P.M.), [Abolition of Untouchability \(Article 17\)](#)

people obtain resources while affecting their dignity and justice entitlements across numerous communities. The inability to detect caste-based violence, especially when it appears discreet or socially permitted, leads to a mismatch between constitutional principles and actual circumstances.²

This analysis examines three essential aspects that describe the relationship between the caste system and legal structures, and personal identity. The analysis studies how legal definitions of Scheduled Caste status face opposition from local caste rules, which determine who belongs and who does not. The analysis addresses the limited scope of Article 17 interpretation by the judiciary because they fail to identify structural and symbolic forms of untouchability. The research employs Owen Fiss's legal thoughts about group rights and legal mechanisms for achieving equality to locate ways for transforming Indian legal structures to better address caste oppression.³ The research shows that substantive constitutional promises require specific social awareness because such analysis exposes the necessity of developing advanced legal frameworks that address caste justice issues effectively.

The constitutional framework of India upholds principles of justice and equality for the elimination of established social hierarchies. The core directive of this vision consists of fighting against caste oppression, which has oppressed Dalits throughout the centuries. Although Article 17 eliminates untouchability, the judicial system, along with society as a whole, continues to have restricted knowledge of actual caste discrimination in daily life. The analysis delves into three essential relationships between caste and law, together with identity, which includes-

1. The constitutional fight about the Scheduled Caste (SC) standing and local acceptance
2. The restricted judicial understanding of untouchability
3. Owen Fiss's legal concepts regarding Indian legal frameworks.

Who Gets to Decide SC Status? Constitution vs. Community:

The issue of requiring community approval for Scheduled Caste status became central in the legal proceedings of Arumugam.⁴ The case involved a person who converted from Christianity to Hinduism but needed to understand whether they could regain their SC status without

² Wiley, Philosophy & Public Affairs, JSTOR (March 20, 2025, 8:00 P.M.), [Front Matter on JSTOR](#)

³ Owen Fiss, Groups and the equal protection clause, Philosophy & Public Affairs (1976), (March 20, 2025, 8:00 P.M.), law.yale.edu/sites/default/files/documents/faculty/papers/Fiss_groups.pdf

⁴ [1976] AIR 939 (SC).

community approval. Some people maintain that the people who have faced discrimination serve as the sole decision-makers for determining who belongs to their caste and community. This viewpoint gains social and historical backing. The common experiences of discrimination and violent treatment, and institutionalized unfairness have created a unified social bond among Dalits. It allows the community to decide who belongs to them, which safeguards the authentic experience of that collective group.

The argument finds additional support when evaluated through a comparison with religious rights. The state must respect religious freedom, while the caste community retains the authority to decide its membership rules and membership standards. Many judges and bureaucrats who have not faced caste-based discrimination might not possess enough understanding to make fair choices regarding membership. This interpretation contains multiple weaknesses despite its existence. The approach of granting SC status based on community acceptance undermines the fundamental principles that the Constitution was designed to protect. According to the Constitution, it is essential to provide power to individuals who face discrimination from society. It is important to note here that when a community decides then it gives birth to a social divide within a group. The Arumugam case primarily used evidence about community acceptance that emerged from respected, wealthy members of the caste. The voices of lower-income members remain unheard, even though their concerns should receive attention.⁵ The system threatens to recreate the social inequalities which the Indian Constitution aims to eliminate.

Law recognizes caste identity as an official category while sociological experience serves as the basis for its recognition.⁶ A decision about caste membership should be based exclusively on constitutional principles instead of relying on community sentiment when caste status receives legal protection and benefits. The state's remedial actions to address caste discrimination must follow legal principles instead of traditional cultural standards, after religious practices create this societal issue. Caste identity based on strict social approval leads to the destruction of legal principles and the fundamental equality standard.

⁵ Sophia Moreau, In Defense of a Liberty-based Account of Discrimination, in Hellman, Deborah and Sophia Moreau, eds. 2013. Philosophical Foundations of Discrimination Law, Oxford: Oxford University Press (March 20, 2025, 8:00 P.M.), [In Defense of a Liberty-based Account of Discrimination | Philosophical Foundations of Discrimination Law | Oxford Academic](#).

⁶ Hellman, Deborah. 2008. Why is Discrimination Wrong?, Cambridge, MA: Harvard University Press (March 20, 2025, 8:00 P.M.), [When Is Discrimination Wrong? — Harvard University Press](#).

The Constitution establishes a system that protects social justice from being controlled by community-based discrimination. When courts approve community validation for constitutional benefit access, they validate the action of exclusion taken by gatekeepers of a community. The process of allowing community members to decide access to constitutional rights creates a danger that elitist structures within caste groups will become strengthened. This enables powerful leaders to decide the future of other members within their caste group. A perfect constitutional democracy requires individual rights to receive protection against group-level vetoes. When establishing SC status for reconversion, the Indian judiciary should evaluate historical disadvantage alongside present vulnerability and the personal experiences of discrimination, rather than accepting community reception as a criterion.

Untouchability: A Narrow Judicial Lens:

Article 17 of the Indian Constitution makes untouchability illegal while establishing penalties for every form of its practice. The judicial system tends to interpret untouchability in limited ways despite the constitutional prohibition against it. During the *Phulsingh*⁷ case the court determined that using the word "Chamar" amounted to only offensive speech rather than untouchability. Such an interpretation fails to recognize the severe historical and social pain that comes from these hurtful labels. Judicial interpretation of untouchability remains at the core of the present problem. The judicial system fails to recognize that casteist language contains both psychological and symbolic elements of discrimination when it treats such speech as merely physical discrimination.⁸ Using caste names to insult someone goes beyond verbal harassment because these names reinforce the societal ranking system that Article 17 aims to eliminate.

Dalit literature works alongside activism to teach Dalits how they should respect themselves while rejecting the "Brahminical mirror" that society has used to see them. The mirror shows a society that throughout history has denied basic human status to Dalits while also blocking their access to temples and wells.⁹ By failing to acknowledge symbolic violence, courts maintain the systems they were intended to oppose.

⁷ [1980] AIR 249 (SC).

⁸ Hellman, Deborah. 2008. *Why is Discrimination Wrong?*, Cambridge, MA: Harvard University Press (March 20, 2025, 8:00 P.M.), [When Is Discrimination Wrong? — Harvard University Press](#)

⁹ Ely, John Hart. 1980. *Democracy and Distrust*, Cambridge, MA: Harvard University Press, (March 20, 2025, 8:00 P.M.), [Democracy and Distrust — Harvard University Press](#)

In *Dinesh v. The judges of the State of Rajasthan*¹⁰ Found insufficient evidence to prosecute under the Prevention of Atrocities Act despite the victim being a Dalit woman. The court properly executed procedural duties, yet neglected to evaluate the overall picture of caste-based sexual attacks. The combination of Dalit status and gender makes Dalit women vulnerable to targeted violence, which gets minimized through inadequate reporting and insufficient investigation. Justice demands recognition of systemic patterns beyond evidential factors because pure evidence testing alone will avoid achieving fairness.

Judicial interpretations use a procedural paradigm of law that orphans the social factors that law should address. The courts officially accept constitutional principles, yet they do not apply these principles when making decisions during court proceedings. The judiciary faces a disconnect because it consists mostly of upper-caste and upper-class members. The judiciary must represent the full range of Indian society before it can stop observing caste from afar through legal definitions instead of understanding its actual impact on people's lives.

The inability to admit structural casteism arises because people seem unwilling to disturb the unchanging systems of power. Modern forms of untouchability that include residential segregation, as well as employment discrimination and social isolation, need society to develop new legal perceptions. It is important to note here that people sitting at the dais also need to have procedural thinking that can work towards transforming constitutional law.

Owen Fiss and the Group Disadvantaging Principle:

In his legal analysis of equal protection, Owen Fiss establishes two core principles, which include anti-discrimination and group-disadvantage.¹¹ According to the anti-discrimination principle, individuals possess rights that cannot be violated by discriminatory categories, including race or caste. The law applies equal treatment to every individual without discrimination. The group-disadvantaging principle requires attention to systemic and historical disadvantages that specific groups experience. According to Fiss' critique, the anti-discrimination principle fails to account for both individualistic approaches and group-based social disadvantages.¹² Courts must examine the social and political status between groups to establish genuine equality according to his argument. The theory of Fiss demonstrates useful

¹⁰ [2006] 3 SCC 771 (SC).

¹¹ Owen Fiss, *Groups and the equal protection clause*, *Philosophy & Public Affairs* (1976), *Yale Law* (March 20, 2025, 8:00 P.M.), [Fiss_groups.pdf](#)

¹² *Id* at 2224.

aspects regarding formal equality restrictions, yet creates specific implementation difficulties. The framework imposes on courts to perform detailed examinations regarding social group identities and historical disadvantage, and relative political position. Fiss fails to provide specific criteria for identifying status harm, so his theory creates inconsistent applications that could lead to biased outcomes.¹³ These concerns reach heightened levels of importance within the Indian societal structure. The caste system of India demonstrates extensive complexity because it has become deeply rooted within the country. The Indian caste system differs from American racial groups because caste connects religious affiliation to occupational roles and communal practices.¹⁴ The implementation of group-disadvantaging principles in this situation requires courts to handle numerous cultural, religious, and political sensitivity issues. Such an approach would convert the judiciary into a body that adjudicates social identity, which is more appropriate for legislative bodies and civil organizations.

The anti-discrimination principle contains several weaknesses, even though it remains valid. This method looks at discrimination incidents independently from each other while neglecting how caste-based exclusion operates as a broader system. Such a balanced approach merges the anti-discrimination principle of formal equality with the understanding of group disadvantage, which the Indian judiciary has occasionally applied but has not consistently maintained. Judicial authorities need to recognize that caste discrimination presents itself through various subtle and non-violent forms. The manifestation of caste discrimination occurs through symbolic and psychological, and subtle means. Empathy coupled with historical insight, along with active interaction with Dalit lived experiences, serves as a prerequisite to recognize caste discrimination.

Constitutional protections require a basis in legal principles while they exist. The determination of SC status should avoid community-led decision-making because this system risks creating new social divisions within the community.¹⁵ The determination of social identity should not fall under court jurisdiction unless specific legal criteria exist. Establishing a sensible strategy

¹³ *Id* at 2225.

¹⁴ Sophia Moreau, In Defense of a Liberty-based Account of Discrimination, in Hellman, Deborah and Sophia Moreau, eds. 2013. Philosophical Foundations of Discrimination Law, Oxford: Oxford University Press (March 20, 2025, 8:00 P.M.), academic.oup.com

¹⁵ Young, Iris Marion. "Polity and group difference: a critique of the ideal of universal citizenship." Ethics 99.2 (1989) JSTOR (March 20, 2025, 8:00 P.M.), [Polity and Group Difference: A Critique of the Ideal of Universal Citizenship on JSTOR](https://www.jstor.org/stable/2373111).

combines defense of personal freedoms with recognition of community-based injustice against a commitment to uphold constitutional equality standards.

4 The Path to a Casteless Society:

Article 17, together with comparable constitutional provisions, aims to establish a society which makes the practice of untouchability illegal while simultaneously creating a social environment where these acts become unthinkable. The complete transformation of caste identity perceptions and justice goals throughout society extends beyond legal changes because it needs a fundamental transformation of cultural and institutional attitudes. A fundamental societal transformation needs to follow legal reform for both laws to eradicate the caste hierarchy. The Constitution establishes both moral and legal principles, yet their unfulfilled promises exist because society fails to modify its social conduct and institutional perspectives. Dalit thinkers advocate breaking the Brahminical mirror because this metaphor exposes dominant cultural frameworks that establish Dalits through exclusionary practices and by defining them as inferior and marginalized. The radical declaration redefines their own identity as more than an affirmation of dignity because it also confronts power systems established through caste. The analysis requires upper-caste society, along with state institutions, including the judiciary, to acknowledge and review their systemic prejudices together with their discriminatory procedures. The new redefinition aims to establish an equal framework instead of seeking absorption into the existing social order by making Dalit voices the centre of this framework.

The constitutional safeguards have failed to stop Dalits from enduring a perpetual battle to achieve basic equality and preserve their dignity and acquire societal acknowledgment. The reality of their daily lives shows how laws differ from actual circumstances, especially in regions with strong caste systems, like rural and semi-urban areas. The judiciary exhibits inconsistent interpretations of caste-based discrimination because it fails to understand the structural nature of untouchability, instead focusing on overt discrimination.

The path towards an equal society built on fraternity requires judicial reinterpretation of laws while challenging community-linked exclusions, in addition to accepting transformative legal concepts proposed by Owen Fiss. The identification of group rights and substantive justice in Fiss's thinking enables a non-neutral legal system focused on distributional changes that suit Dalit needs. The Brahminical perspective, which shapes both individual perception and societal

views about others, must be completely discarded to create equitable societies with equality for all human beings.

