

**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA) WRIT PETITION  
(CIVIL) NO. 1404 OF 2023**

**SUKANYA SHANTHA**

**...PETITIONER**

**Versus**

**UNION OF INDIA AND ORS**

**...RESPONDENTS**

**WRITTEN SUBMISSIONS ON BEHALF OF THE PETITIONER**

There is rampant practice of caste-based division of labour, segregation, and discrimination against the denotified tribes inside Indian prisons.

**Caste-based Division of Labour is Sanctioned by State Prison Manuals:**

That various State Prison Manuals (see chart below) sanction such blatantly unconstitutional practices. Articles 14, 15, 17, 21, and 23 of the Constitution constitute the equality code, the observance of which the prisons are not exempt from. As noted in the celebrated judgment of a Constitution Bench of this Court in **Sunil Batra v. Delhi Administration** (1978) 4 SCC 494, a prisoner enjoys all constitutional rights and protections except those that are impaired naturally and directly as a result of the confinement.

That forced employment of “lower caste” prisoners in cleaning and manual scavenging work in the state prison manuals amounts to State-sanctioned untouchability, and such practices need to be removed root and branch from society, including the prison system.

### **State-sanctioned Untouchability in State Prison Manuals:**

That the practice of forced employment of the “lower caste” prisoners in conservancy work is in direct violation of [The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013](#). The Act prohibits any person or agency from engaging or employing any person in manual scavenging.

The Act prohibits any person, local authority, or any agency from constructing insanitary latrines or engaging or employing, either directly or indirectly, a manual scavenger. The testimonies (see chart below) of prisoners in various states demonstrate that the prison authorities continue to engage and employ lower caste prisoners as manual scavengers, and the practice of dry latrines/ insanitary latrines continues inside prisons.

### **Discriminatory Practices irrespective of the Prison Rules:**

That despite states like Maharashtra and Gujarat having recently amended their prison manuals and dropped the mention of caste-based practices, the accounts of prisoners reveal otherwise. These testimonies (see chart below) demonstrate the presence of caste-based division of labor, caste-based privileges within prisons, the use of insanitary latrines, and discrimination against members of denotified tribes.

### **Practice of Caste-based Segregation inside Prisons:**

That Articles 14, 15 and 17 of the Constitution of India prohibit segregation based on caste. The separation of Thevar, Nadar, and Pallar communities, who are allotted different sections in Palayamkottai Central Jail in Tamil Nadu, provides a glaring instance of caste-based segregation of barracks. The justification for this segregation has also been upheld by the Madras High Court in *C. Arul v. The Secretary to Government* as a means to prevent caste rivalries.

### **Discrimination against Denotified Tribes and their Unjust Classification as Habitual Offenders:**

That the Criminal Tribes Act of 1871 was a colonial-era law that unjustly categorized certain communities as “born criminals.” This discriminatory law was repealed in 1952, and the communities were denotified. However, many state prison manuals (see chart below) still discriminate against members of denotified tribes through segregation, classification, and other discriminatory practices within prisons. These communities are frequently classified as habitual offenders in these manuals, which reinforces inherent biases and notions of “group criminality” in the justice system. These provisions violate the principles of natural justice and modern criminal law concepts, which view criminality as an individual matter and not a group tendency.

### **Silence and Ambiguities in the Model Prison Manual, 2016**

That the Model Prison Manual, 2016 has been the basis for amendments brought to prison manuals across many states. The Model Prison Manual, however, is silent on:

1. caste-based division of labour inside prisons except cooking (**See Rule 2.12.4 and Rule 26.45 of the Model Prison Manual, 2016**);
2. caste-based privileges provided to certain prisoners except during celebration of festivals (**Rule 17.22 of the Model Prison Manual, 2016**);
3. classification or physical caste-based segregation of prisoners except in women’s prisons (**Rule 26.04, Note (ii) of the Model Prison Manual, 2016**);
4. prohibition of dry/insanitary latrines and employment or engagement of persons as manual scavengers is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013; and
5. discriminatory classifications against members of denotified and wandering tribes in prisons.

That the 2016 Manual’s definition of Habitual Offender is vague (**See Chapter 1, Definitions-Clause 13 of the Model Prison Manual, 2016**), leaving room for misuse in the hands of the prison administration. Most states have their respective Habitual Offenders Acts, which define habitual offenders based on their conviction in scheduled offenses and the three-strike or two-strike rule.

However, the State Prison Manuals and the State Habitual Offenders Act define Habitual Offenders differently. The Model Prison Manual is unclear on which definition to follow when it says- “A prisoner classified as such in accordance with the provisions of applicable law or rules.”

That the Manual also has remnants of the already abolished Criminal Tribes Act, 1871 that allowed the maintenance of Police Registers and classification of police registered prisoners, which reinforces the profiling of the formerly criminalised communities.

A chart providing a detailed overview of the offending provisions in various state prison manuals and evidence of discriminatory practices within these prisons based on testimonies is attached below. Additionally, the chart notes the silence of the Model Prison Manual of 2016 with respect to these offending provisions and practices within state prisons.

**NOTE: Reference to Union of India Advisory dated February 26, 2024:**

The advisory is grossly inadequate on the following counts:

1. The directions are not mandatory in nature
2. The advisory asks states to take note of the provisions of the Model Prison Manual, 2016, which, as pointed out above, are silent, ambiguous, and inadequate in many aspects.
3. The advisory does not address the aspect of discrimination against the denotified tribes and wandering tribes.
4. The advisory does not address the ambiguity around the definition of “habitual offender” in the Model Prison Manual, 2016 so as to prevent its misuse.
5. The advisory does not address the use of insanitary latrines and mandatory compliance of prisons with the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

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**COMPARATIVE CHART OF THE OFFENDING PROVISIONS IN STATE PRISON MANUALS, THE DISCRIMINATORY PRACTICES IN PRISONS, AND RELEVANT PROVISIONS IN THE MODEL PRISON MANUAL**

STATES	OFFENDING PROVISIONS IN THE PRISON MANUAL	DISCRIMINATORY PRACTICES IN PRISONS	RELEVANT PROVISIONS IN THE MODEL PRISON MANUAL, 2016
Resp. No.3, Uttar Pradesh	<p>Rule 267: Classification necessary in the case of every convict: The Superintendent shall see that every convicted prisoner is classified as habitual or casual in accordance with the form of classification furnished by the convicting court.</p> <p>Rule 270: Segregation of casual from habitual prisoners: Casual convicts as far as possible, be kept separate from habitual convicts.</p> <p>Rule 158: Remission of convicts on scavenging duty: Subject to good work and conduct in jail, convicts of</p>	The Petitioner hasn't managed to gather testimonies from presently or formerly incarcerated persons from UP so far.	<p>The manual is silent on the duties of "menial or degrading character" by "lower caste" prisoners.</p> <p>The manual is silent on the constitutionally prohibited discriminatory classifications such as "scavengers."</p> <p>The manual is silent on the prohibition of caste-based division of labour inside prisons.</p>

	<p>the scavenger class working as scavengers in jails, or convicts whom on administrative grounds it is not found expedient to promote to the grades of convict officers, shall, though they may not be appointed convict officers, be entitled to receive ordinary remissions at the scale sanctioned in the preceding paragraph for convict night watchmen and convict overseers, respectively, with effect from the first day of the month following the one on which they would, but for this rule, be eligible for promotion to those grades.</p> <p>Rule 289: Rules for observance: A convict sentence to simple imprisonment:</p> <p>(g) shall not be called upon to perform duties of a degrading or menial character unless he belongs to a class or community accustomed to perform</p>		<p>The manual permits segregation of habitual offenders from other prisoners which may be seen as a rational classification. However, the manual is ambiguous about the definition of habitual offender. The manual defines a Habitual Offender as- “A prisoner classified as such in accordance with the provisions of applicable law or rules.” (Chapter 1, Definitions- Clause 13 of the Model Prison Manual, 2016)</p> <p>NOTE:</p> <p>Most states have their respective Habitual Offenders Acts that define a habitual offender based on their conviction in scheduled offences and the three-strike or two-strike rule.</p>
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	<p>such duties; but may be required to carry water for his own use provided he belongs to the class of society the members of which are accustomed to perform such duties in their own homes.</p> <p>(P-8, 9, Pgs 6-15)</p>		
<p>Resp. No. 4, West Bengal</p>	<p>The West Bengal Jail Code lays down that work in the prison should be designated by caste, such as cooking work will be undertaken by dominant castes and sweeping work shall be undertaken by people from a particular caste. The manual creates discriminatory classifications against “wandering tribes” and refers to racist classification of classes having “natural tendencies to escape.” (See <b>Criminal Tribes Act, 1871</b>)</p>	<p>The Petitioner hasn’t managed to gather testimonies from presently or formerly incarcerated persons from WB so far.</p>	<p>The manual is silent on the prohibition of discriminatory classifications of members of former “criminal tribes” or wandering tribes</p> <p>The manual is silent on the caste-based division of labour in prisons.</p> <p>The manual prohibits the allotment of duties in the kitchen on the basis of caste and religion. (See <b>Rule 2.12.4</b>)</p>

	<p>Rule 404: A convict overseer may be appointed to be a night guard provided— (a) that he has served as a convict overseer for three months; (b) that he <b>does not belong to any class that may have a strong natural tendency to escape, such as men of wandering tribes and those whose homes are outside India</b>; and</p> <p>Rule 694: (a) <b>Interference with genuine religious practices or caste prejudices of prisoners should be avoided.</b></p> <p>Rule 741. In case of sickness... If male condemned prisoners or dangerous lunatics have to be watched by convicts, they must remain outside the grated door of the cell. Convict sweepers, cooks and watermen may enter the cells when necessary, accompanied by a warder. <b>Food shall be cooked and carried to the cells by</b></p>		<p><b>and Rule 26.45 of the Model Prison Manual, 2016)</b></p>
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**prisoner-cooks of suitable caste,** under the superintendence of a jail officer.

Rule 793: The **barber should belong to the A class. Sweepers should be chosen from the Mether or Hari caste, also from the Chandal or other castes,** if by the custom of the district they perform similar work when free, or from any caste if the prisoner volunteers to do the work.

Rule 1117: The cooks shall be of the A class except at the Presidency Jail where well-behaved 'B' class prisoners may be employed as such. **Any prisoner in a jail who is of high caste and objects that he cannot eat food cooked by the existing cooks shall be appointed a cook and be made to cook for the full complement of men.**

**(P-12, Pgs 25-31)**

<p>Resp No. 5, Madhya Pradesh</p>	<p><u>Madhya Pradesh Jail Manual, 1987</u> As per the rules, the cook shall be from the non-habitual class of prisoners. The habitual criminal or offender is directly defined as a member of a denotified tribe. Relevant rules are: Rule 36: While latrine parade is being carried out, the mehtars attached to each latrine shall be present. <b>The Mehtars shall empty the small receptacles into large iron drums and replace the receptacles after having cleaned them.</b> Rule 411: A <b>habitual criminal</b> is a person who <b>is by habit</b> a member of gang of decoits or of thieves or dealer in slaves or in stolen property and <b>any member of the denotified tribe</b> subject to the discretion of the state government.</p>	<p>A former prisoner from the Kanjar tribe, a denotified tribe from MP exposes pervasive caste discrimination within the prison system, where individuals from denotified tribes are subjected to brutality, extortion, and menial labor while upper-caste prisoners receive preferential treatment. (AA-7, Pg 373-375)</p>	<p>The manual is silent on the prohibition of caste-based division of labour in prisons.  The manual is silent on the existence of dry latrines that is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.  The manual also does not specifically mandate compliance with the 2013 Act inside prisons.  The manual is silent on the prohibition of discrimination against members of denotified tribes (ex-criminalized tribes). The manual is also silent on the prohibition of classification of members of the denotified tribes as habitual offenders.</p>
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	<p>Rule 563: The <b>Cook shall be of non-habitual class.</b> Any prisoner who objects on account of religious considerations to eat food cooked by the existing cooks shall be appointed a cook and be made to cook for the full complement of men.</p> <p><b>(P-14, Pgs 37-40)</b></p>		<p>The manual is ambiguous on the definition of a habitual offender <b>(Chapter 1, Definitions- Clause 13 of the Model Prison Manual, 2016)</b> which can be prone to misuse against members of denotified tribes as is evident from the Madhya Pradesh Prison Rules.</p> <p>Going by the Madhya Pradesh Prisons Rules, every denotified tribe prisoner is by default a Habitual Offender</p>
<p>Resp. No. 6, Andhra Pradesh</p>	<p><u>The Andhra Pradesh Prison Rules, 1979</u></p> <p>Rule 217: Habitual Criminal: <b>A habitual criminal is a person who by habit is a robber, house breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion etc.</b></p>	<p>The Petitioner hasn't managed to gather testimonies from presently or formerly incarcerated persons from AP so far.</p>	<p>The manual is ambiguous on the definition of a Habitual Offender and only talks about the applicable law and rules. In cases where there are two conflicting definitions of a Habitual Offender such as the Andhra Pradesh Prison Rules and the Andhra Pradesh Habitual Offenders Act,</p>

	<p>Rule 440: Allowance for caste prejudice: The prison <b>tasks including conservancy work shall be allotted at the discretion of the Superintendent with due regard to capacity of the prisoner, his education, intelligence and attitude and</b> so far as may be practicable with due regard to his <b>previous habits.</b></p> <p>Rule 448 (1): Without the sanction of the Inspector General, no convict shall at any time, be employed on any labour outside the walls of the prison, or be permitted to pass out of the prison for the purpose of being so employed–</p> <p><b>(f) If he is a member of a ‘wandering or criminal tribe’, or is of a bad and dangerous character, or has at any time, escaped or attempted to escape from lawful custody.</b></p>		<p>1962, this ambiguity in the definition is prone to misuse.</p> <p><b>NOTE:</b> Andhra Pradesh Habitual Offenders Act, 1962 defines HO as:</p> <p>2(e) ‘habitual offender’ means a person who, during any continuous period of five years, whether before or after the commencement of this Act or partly before and partly after such commencement has been sentenced on conviction on not less than three occasions after he attained the age of eighteen years to a substantive term of imprisonment for any one or more of the scheduled offences committed on different occasions and not so connected together as to form parts of the same transaction, such sentence not having been reversed in appeal or on revision: Provided that in computing the continuous period of five years</p>
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	<p>Chapter LX: Classes of Convicted Prisoners and their Treatment</p> <p>Rule 1036 (1): As mentioned in rule 216 supra, convicted prisoners are divided into three divisions namely classes A, B and C.</p> <p>(2) Prisoners shall be treated as “A” Class if -</p> <p>(i) They are non-habitual prisoners of good character;</p> <p>(ii) <b>They by social status, education and habit of life have been accustomed to a superior mode of living; and</b></p> <p>(iii) They have not been convicted of-</p> <p>(a) Offenses involving elements of cruelty, moral degradation or personal greed;</p> <p>(b) Serious or premeditated violence;</p> <p>(c) Serious offences against women and children;</p> <p>(d) Serious offences against property;</p>		<p>referred to above, any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account.</p> <p>The manual is silent on the discrimination against members of criminal or wandering tribes for employment outside prisons.</p> <p>The manual only speaks of prohibition of special treatment on the basis of caste or religion during celebration of festivals. <b>(Rule 17.22 of the Model Prison Manual, 2016).</b></p> <p>However, the manual is silent on the caste-based privileging and classification of prisoners based on “social status”, education, habit or “superior mode of living.”</p>
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	<p>(e) Offences relating to the possession of explosives, fire-arms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;</p> <p>(f) Abetment or incitement of offences falling within these sub-rules.</p> <p>(3) Prisoners shall be treated as “B” Class if—</p> <p>(i) <b>They, by social status, education and habit of life have been accustomed to superior mode of living; and</b></p> <p>(ii) They have not been convicted of:</p> <p>(a) Offences involving elements of cruelty, moral degradation or personal greed;</p> <p>(b) Serious or premeditated violence;</p> <p>(c) Serious offence against women and children;</p> <p>(d) Serious offences against property;</p>		<p>The manual is silent on the practice of conservancy work which is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.</p>
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	<p>(e) Offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed</p> <p>(f) Abetment or incitement of offences falling within these sub-rules.</p> <p>NOTE:— Habitual prisoners may be included under this class or grounds of character and antecedents.</p> <p>(4) (i) If no orders about classification are passed by the sentencing court, it should be assumed that a prisoner belongs to “C” Class. A reference should be made in doubtful cases but it should not be presumed in the absence of specific orders that the prisoner belongs to a class higher than “C”.</p> <p><b>(P-13, Pgs 32-36)</b></p>		
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<p>Resp No. 7, Telangana</p>	<p>It has adopted the Andhra Pradesh Prison Rules, 1979 therefore it has been made a party.</p>	<p>A prisoner from Telangana shared their experience of enduring caste discrimination in prison despite completing 11 years of their life sentence. They describe how prisoners from SC and ST are subjected to menial tasks and lower wages compared to those from upper castes, who receive preferential treatment in parole, work assignments, and legal assistance. <i>(AA-6, Pg 371-372)</i></p>	<p>Since Telangana has adopted Andhra Pradesh Prison manual, please refer to the provisions flagged under the Andhra Pradesh (resp. No. 6) column.</p> <p>The Model Prison Manual, 2016 is silent on the caste-based labour allocation in prisons.</p>
<p>Resp No. 8, Punjab</p>	<p>Punjab Prison Rules Amended in the year 2021, wherein new security parameters such as effective surveillance and safe custody have been introduced in the new rules. Provisions relating to demarcation of work on caste basis still exist.</p>	<p>The Petitioner hasn't managed to gather testimonies from presently or formerly incarcerated persons from Punjab so far.</p>	<p>The manual is ambiguous on the definition of Habitual Offenders. It is also silent on the aspect of assigning different attire to prisoners classified as Habitual Offenders.</p> <p>The manual is silent on the caste-based division of labour in prisons.</p>



	<p>Demarcation of work on the basis of caste is still found in the Punjab Jail Manual 1996. Section 636: Selection and limitation of menial servants: <b>Sweepers shall be chosen from the Mehtar or similar caste. Prisoners of other castes may be employed as sweepers if they volunteer to do such work. The barbar shall belong to casual class.</b></p> <p>Section 404: How habitual are to be distinguished: Every prisoner of the <b>habitual class shall ordinarily be required to wear a yellow cap or red pugri if a sikh.</b></p> <p><b>(P-16, Pgs 51-55)</b></p>		<p>The manual is silent on the duties of conservancy work by “lower caste” prisoners.</p> <p>The manual is silent on the existence of dry latrines that is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.</p> <p>The manual also does not specifically mandate the compliance with the 2013 Act inside prisons.</p>
<p>Resp. No. 9, Odisha</p>	<p><u>Odisha Jail Manual, 2020</u></p> <p>The Odisha State Government amends the prison manuals in line with the Model Prison Manual. Clauses relating to banning management of</p>	<p>The Petitioner hasn’t managed to gather testimonies from presently or formerly incarcerated persons from Odisha so far.</p>	<p>The manual is silent on the discrimination against members of criminal or wandering tribes for employment outside prisons and their</p>

	<p>kitchens or cooking food on caste or religious basis, acting on the basis of caste or religious prejudices are included. It further restricts the right of criminal tribe prisoners from availing extramural employment. While Odisha adopted the Model Manual, it continued to retain the discriminatory provision against criminal tribes.</p> <p><b>However, Odisha still retains certain provisions relating to “criminal tribes”</b></p> <p><b>784. Prison Industries and Work Programmes.—</b> (1) The work programmes shall also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services...</p>		<p>classification as police-registered prisoners.</p> <p>The manual is ambiguous on the definition of a Habitual Offender (HO) and only talks about the applicable law and rules. In cases where there are two conflicting definitions of a HO such as the Odisha Jail Manual, 2020 and the Orissa Restriction of Habitual Offenders Act, 1952 this ambiguity in the definition is prone to misuse.</p> <p><b>NOTE:</b> Orissa Restriction of Habitual Offenders Act, 1952</p> <p><b>2. Definitions.</b> - In this Act, unless there is anything repugnant in the subject or context-</p> <p>(a) “habitual offender” means a person who has been sentenced to</p>
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	<p><b>(25) Prisoners who have shown, or are likely to have, a strong inclination to escape or are members of a wandering or criminal tribe, even though eligible, shall not be employed on extramural work.</b></p> <p>515. The Division of Police registered prisoners into two classes — (1) The first class consists of prisoners who are to be transferred before release to the Jails of the districts in which their homes are situated.</p> <p><b>(5) If any prisoner known to be a member of a criminal tribe is not police-registered, his case shall be brought to the notice of the Superintendent of Police.</b></p> <p><b>4(3)</b> Prison administration shall ensure separation of the following categories</p>		<p>substantive terms of imprisonment whether before or after the commencement of the Act- (i) for one or the other of the offences in Schedule I on two occasions;(ii) for one or the other of the offences in Schedule II on three occasions; (iii) for one of the offences in Schedule I and one of the offences in Schedule II on two occasions;</p>
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	<p>of prisoners, namely :--(a) Civil Prisoners;</p> <p>(b) Under-trials;(c) Female Prisoners;</p> <p>(d) Convicted Prisoners; (e) Young Offenders; (f) First Offenders; (g) <b>Habitual Offenders</b>; (h) High Security Prisoners; (i) Detenue; (j) Geriatric and infirmed prisoners; (k) Transgender Prisoners;(l) Psychiatric Prisoners;(m) Higher Division Prisoners; and (n) Political Prisoners,</p> <p><b>3(t)</b> “Habitual offender” means an offender who has been convicted in a particular offence for more than one occasion. <b>(P-10, Pgs 16-20)</b></p>		
<p>Resp. No. 10, Jharkhand</p>	<p>The state of Jharkhand does not have its own prison manual. The Hon’ble High Court of Jharkhand took suo motu cognisance of the matter in WP (PIL) 6125 of 2017 and as per the</p>	<p>The Petitioner hasn’t managed to gather testimonies from presently or formerly incarcerated persons from Jharkhand so far.</p>	<p>Jharkhand is in the process of adopting a new prison manual based on the Model Prions Manual, 2016</p>

	<p>order dated 12.06.2023, the State Government is working on the Model Prison Act, 2023 proposed by the Union of India and it was undertaken by the Advocate General to place the same before the Court on the next date of listing, however the order has not been complied with yet.</p>		
<p>Resp. No. 11, Kerala</p>	<p>The Kerala Prison Rules lay down a distinction between a habitual and a reconvicted convict, holding that those who are by habit a robber, house breaker, dacoit, or thief should be classified and separated from other convicts.</p> <p>201 Definition of habitual criminals. —The following persons shall be liable to be classified as “Habitual Criminals” namely: - (i) any person convicted of an offence punishable under Chapters XII, XVII and XVIII</p>	<p>This former prisoner recounts their experience of spending several years in various prisons of Kerala where they observed <b>caste-based discrimination, with lower-caste</b> and lower-class prisoners often <b>assigned menial tasks while those from privileged backgrounds received preferential treatment.</b> Despite directives from senior officials,</p>	<p>The manual is silent on the discrimination against members of ex- “criminal tribes” and their default classification as “habitual offenders”. The manual is silent on the existence of dry latrines that is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.</p> <p>The manual also does not specifically mandate the compliance with the 2013 Act inside prisons</p>

	<p>of the Indian Penal Code, whose facts of the present case, show that he is <b>by habit a robber, house breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps or forgery.</b></p> <p><b>(iv) Any person of the Criminal Tribe subject to the discretion of the government.</b></p> <p><b>(P-11, Pgs 21-24)</b></p>	<p>discriminatory practices persisted among jail staff. <b>(AA-11, Pg 384-385)</b></p>	<p>The manual is silent on the caste-based division of labour in prisons.</p>
<p>Resp. No. 12, Tamil Nadu</p>	<p>The Tamil Nadu Prison Rules contain discriminatory provisions relating to the segregation of habitual offenders, deprivation of certain rights and privileges within the prison and an absence of employment opportunities towards such prisoners.</p>	<p>The prisoner shares caste- based barrack allocation at the Palayamkottai prisons. Separate barracks are allotted to prisoners belonging to the OBC Thevar caste, SC Pallar caste, OBC Nadar caste among others. <b>( P-7 Page 68-88)</b></p>	<p>The manual is ambiguous on the definition of a Habitual Offender (HO) and only talks about the applicable law and rules. In cases where there are two conflicting definitions of a HO such as the Tamil Nadu Prison Rules and the Tamil Nadu Restriction of Habitual</p>

	<p>214: Separation of categories: (f) Habitual prisoners from non-Habitual prisoners ;</p> <p>219. <b>Definition of Habitual Criminal:</b> The following prisoners shall be liable to be classified as habitual criminals, namely whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he is by habit a robber, house breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps or forgery.</p> <p>225 Classes of prisoners: (1) As mentioned in rule 217, convicted prisoners are divided into two divisions or classes, A and B.</p> <p>(i) <b>prisoners shall be eligible for class A, if they by social status, education or habit of life have been</b></p>		<p>Offenders Act, 1948 this ambiguity in the definition is prone to misuse.</p> <p><b>NOTE:</b> Tamil Nadu Restriction of Habitual Offenders Act, 1948</p> <p>2(4) “habitual offender” means a person who, before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, on not less than three occasions, [for any one or more of the scheduled offences] each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion;</p> <p>The manual prohibits classification of prisoners on grounds of socioeconomic status, caste or class in women prisons <i>(Rule 26.04, Note</i></p>
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	<p><b>accustomed to a superior mode of living</b>, Habitual prisoners may at the discretion of the classifying authority , be included under this class on grounds of character and antecedents.</p> <p>(ii) Class B shall consist of prisoners who are not classified in Class A.</p> <p><b>(P-15, Pgs 41-50)</b></p>		<p><b>(ii)</b>). However, it is silent on physical segregation based on caste (evident in the Palayamkottai prisons) and is also silent on the caste-based classification male prisons.</p>
<p>Resp. No. 13, Maharashtra</p>	<p><b>Chapter XLI, Section II: Rule 3: Habitual women prisoners; prostitutes and procuress and young women prisoners shall be segregated.</b></p>	<p><b>Testimony 1:</b> A former prisoner from Maharashtra shares about the employment of prisoners from the ‘Bhangi caste’ to clean toilets in the Anda cell, where he was lodged for nine years. According to this prisoner, <b>a Dalit prisoner would invariably be given the task of checking for contraband or sharp weapons hidden in toilets</b> when senior officials</p>	<p>The manual is silent on the existence of dry latrines that is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.</p> <p>The manual also does not specifically mandate the compliance with the 2013 Act inside prisons</p> <p>The manual is silent on the caste-based division of labour in prisons.</p>



		<p>came for inspection. <i>(AA-5, Pg 370)</i></p> <p><b>Testimony 2:</b></p> <p>This female prisoner during her five years in jail experienced caste practices across Maharashtra's women prisons. She observed differential treatment based on caste, such as the allocation of tasks and privileges, including the <b>assignment of tasks like cleaning toilets based on caste identity.</b></p> <p><i>(AA-10, Pg 381-383)</i></p>	<p>The manual is also silent on the practice of segregation of women trafficked for sex work in prisons.</p>
<p>Resp. No. 14, Gujarat</p>		<p><b>Testimony 1:</b> A local political activist belonging to the Wadkar caste, a Scheduled Caste from Gujarat, spent six-months in</p>	<p>The manual is silent on the existence of dry latrines that is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.</p>

		<p>Sabarmati Central prison. Here, he witnessed that undertrial prisoners, despite regulations, were assigned labor based on caste, with <b>lower castes often subjected to menial tasks like cleaning.</b> Upper castes received preferential treatment, handling kitchen duties and accessing better resources.</p> <p>The former prisoner's <b>requests for diverse library books, including works on Dr. B R Ambedkar, were denied. (AA-9, Pg 378-380)</b></p> <p><b>Testimony 2:</b> This former prisoner, a rickshaw puller from Dalit community in Gujarat spent four years in prisons. He claims to have witnessed</p>	<p>The manual also does not specifically mandate the compliance with the 2013 Act inside prisons</p> <p>The manual is silent on the caste-based division of labour in prisons.</p>
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		<p>differential treatment based on caste in both Morbi and Rajkot prisons. Prisoners from <b>lower castes are often assigned menial tasks like sweeping and cleaning upon entry, while those from upper castes receive preferential treatment</b> and are less likely to face punishment or violence from officials. <i>(AA-9, Pg 378-380)</i></p>	
<p>Resp. No. 15, Chattisgarh</p>	<p>Same Prison Manual as Madhya Pradesh</p>	<p>This prisoner was arrested for participating in a ‘naked protest’ against the misuse of government job reservation policy. During his stay at Raipur Central prison, the prisoner found out that <b>cleaning toilets earns a prisoner extra</b></p>	<p>Since Chhattisgarh adopts the Madhya Pradesh prison manual, please refer to the provisions flagged under the Madhya Pradesh’s (resp. No. 5) column.</p> <p>Additionally, the manual is silent on the existence of dry latrines that is prohibited under the Prohibition of</p>

		<p><b>remission. Yet, it is only those from Scheduled Castes, Scheduled Tribes, and Other Backward Classes who take up this job.</b> Specific caste groups, particularly Scheduled Castes, are assigned menial tasks such as washing collective toilets, with <b>promises of exemption from punishment.</b><i>(AA-8, Pg 376-377)</i></p>	<p>Employment as Manual Scavengers and their Rehabilitation Act, 2013.</p> <p>The manual also does not specifically mandate the compliance with the 2013 Act inside prisons</p> <p>The manual is silent on the caste-based division of labour in prisons</p>
<p>Resp. No.16, Karnataka</p>	<p><u>Karnataka Prisons and Correctional Services Manual, 2021</u></p> <p>Rule 418. Classification of convicted prisoners;</p> <p>Convicted prisoners are divided into two classes as Class I(Class-A) and Class II(Class- B).– i. Prisoners will be eligible for Class I(Class-A) if.–</p>	<p>The Petitioner hasn't managed to gather testimonies from presently or formerly incarcerated persons from Karnataka so far.</p>	<p>The manual only speaks of prohibition of special treatment on the basis of caste or religion during celebration of festivals. <b>(Rule 17.22 of the Model Prison Manual, 2016)</b></p> <p>However, the manual is silent on the caste-based privileging and classification of prisoners based on</p>

	<p>a) They are non-habitual prisoners of good character;</p> <p>b) They <b>by social status, education and habit of life have been accustomed to a superior mode of living;</b> and</p> <p>c) They have not been convicted of.–</p> <ol style="list-style-type: none"><li>1) Offences involving elements of cruelty moral degradation or personal greed;</li><li>2) Serious premeditated violence;</li><li>3) Serious offence against women and children;</li><li>4) Serious offences against property;</li><li>5) Offences relating to the possession of explosives, firearms, and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;</li><li>6) An offence under the suppression of immoral traffic Act; 7) Abetment or incitement of offences ;</li></ol>	<p>“social status”, education, habit or “superior mode of living.”</p>
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Resp. No.17, Himachal Pradesh	Rule 26.69: If there are <b>no female of suitable caste for conservancy work paid-sweepers shall be taken into the enclosure in charge of a wander and under conditions</b> laid down in paragraph 214	The Petitioner hasn't managed to gather testimonies from presently or formerly incarcerated persons from Himachal Pradesh so far.	The manual is silent on the prohibition of employing male prisoners from "lower castes" in female prisons for cleaning or conservancy work.
Resp. No.18, Rajasthan	681. Prison Industries and Work Programmes. Rule (22) Prisoners who have shown, or are likely to have, <b>a strong inclination to escape or are members of a wandering or criminal tribe</b> , even though eligible, shall not be employed on extramural work.	This prisoner, belonging to Rajak caste, was merely 18 years old when he was arrested and lodged at Alwar jail in 2016 in a theft case. He was <b>forced to enter a sweep and clean toilets here</b> . He was also forced to clear up a choked septic tank. <i>(P-7 Page 68-88)</i>	The manual is silent on the prohibition of discrimination against members of denotified tribes (ex-criminalized tribes). The manual is also silent on the non-classification of members of the denotified tribes as habitual offenders.  The manual is silent on the duties of conservancy work by "lower caste" prisoners.

			<p>The manual is silent on the existence of dry latrines that is prohibited under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.</p> <p>The manual also does not specifically mandate the compliance with the 2013 Act inside prisons</p> <p>The manual is silent on the caste-based division of labour in prisons.</p>
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