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How India's laws still struggle to dismantle caste system

DW spoke with Dr. Sumit Baudh, a professor and the executive director of the Center on Public Law and Jurisprudence at O.P. Jindal Global University in Sonapat, Haryana, to learn more about India's caste system.

Dr. Baudh belongs to the Dalit community.

DW: What is one thing Dr BR Ambedkar would be most disappointed by if he saw India today, particularly in how the law has addressed caste?

Dr. Sumit Baudh: One need not speculate about this — BR Ambedkar himself articulated his disappointment early on, most notably in his resignation as Law Minister [of India] in 1951.

That moment is instructive in at least two ways. First, his frustration with the government's inaction on what were then called the "backward classes" — a concern that would take nearly four decades to see concrete policy movement, and even then provoke intense backlash, as seen in the aftermath of the Mandal Commission implementation.

Second, his disappointment with the stalling of transformative legal reform, particularly the Parliament's failure to enact the Hindu Code Bill. These were not marginal concerns; they went to the heart of social democracy.

If we extend that arc to the present, similar patterns persist: the hesitation to undertake structural reform, the deferral of equality in the name of political expediency, and the emergence of laws — such as those regulating marriage and assumed changes in religious status (often framed as religious conversion or 'love jihad') — that would have been deeply troubling to Ambedkar. The continuity between that moment and the present is difficult to ignore.

Have regressive and problematic legal language contributed to reinforcing caste hierarchies, even within frameworks meant to dismantle them?

If I had to answer in one word, it would be: efficiency.

The constitutional language of "efficiency" appears neutral, but in practice it operates as a deeply loaded term. It is routinely invoked to question, dilute, or resist reservations and other forms of affirmative action.

What is often left unexamined is that "efficiency" is not an abstract quality — it is produced within historically unequal social and educational conditions. When law and policy treat it as neutral, they effectively naturalize those inequalities.

So here, language does not merely reflect hierarchy; it actively legitimizes and reproduces it, even within frameworks that are ostensibly designed to dismantle caste.

Which legal or policy framework meant to protect Dalits is falling short today and where exactly is the gap?

India does not have a comprehensive anti-discrimination law. Instead, what we have is a patchwork — criminal law in some cases, constitutional remedies in others, and sector-specific frameworks addressing sexual harassment, caste atrocities, and disability.

Discrimination, however, often operates in a space that is neither fully criminal nor easily addressed through constitutional litigation. It requires accessible civil remedies.

The absence of such a framework means that many forms of caste discrimination — especially in institutions like education — remain difficult to name, prove, and redress. That is the gap.

And even where frameworks exist, they are often ill-equipped to address institutional practices that reproduce inequality in less visible, but deeply consequential, ways.

This feature is a part of DW's special coverage of Dr BR Ambedkar's 135th birth anniversary.

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