

Abolition of untouchability [Article 17]

Article 17

- **Untouchability** is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law
- **Article 17** provides that untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'untouchability' shall be an offence punishable in accordance with the law.
- In **Jai Singh vs. Union of India** case Rajasthan High Court and **Devrajiah vs B. Padmana** case of Madras High Court defined the word untouchability.
- The court said that in article 17, the word 'Untouchability' is placed under inverted commas, which means the word is not to be taken by its literal or grammatical interpretation. The meaning of the word is to be derived from historical development and historical practices.

- Untouchability refers to the social disability imposed on certain classes of a person because of their birth in a specific backward class. Hence, it does not cover any social boycott of a few individuals or their exclusion from religious services, etc.
- Therefore the word untouchability in article 17 only means ‘Caste-based untouchability’

- **Article 17** Has been protected by the **protection of civil rights act 1955** whose earlier name was **untouchability (offences) act, 1955**.
- In **People's Union of democratic rights vs. Union of India 1982** also known as **ASIAD Project Workers** case Supreme Court held that right under Article 17 is available against private individuals also.

- In **State of Karnataka vs Appa Balu Ingale case**, the supreme court said that the objective of the article 17 is to remove all forms of disability, restrictions and disability on the sole basis of caste and religion.
- Apart from the Civil Rights Protection act, there is one more law that describes the punishment for the untouchability, i.e. ‘ST-SC Prevention of Atrocities Act, 1989. This Act also provides other crucial information such as how the trial has to be conducted, what is the relief’s available, the formation of special courts, etc.