



Reservation policies for SCs and STs in India: Between constitutional provisions and ground-level realities

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Abstract

The philosophy of affirmative action intends to develop an inclusive society with a guarantee of taking everyone together through a mechanism of reservation. It is intended to address centuries old practice of discrimination, exclusion, and underrepresentation by promoting substantive equality through adequate representation. However, despite constitutional mandates and series of legislative measures; discriminatory treatment remains endemic and societal norms continue to be reinforced by government and private structures, often through violent means. The primary purpose of this research paper is to examine the rationality of SCs and STs reservation in India as well as to evaluate whether the vision of extending benefit of reservation had trickled down to the actual beneficiaries across all sections of Dalit or Not. The researcher submits that the policies are unable to address the root cause of the discrimination. Dalits continue to experience social stigmatization rooted in entrenched caste hierarchies, which perpetuate negative stereotypes and social labelling in contemporary Indian society. We need to understand the sociology of this law and reframe it with the objective of changing the norms of society by imbibing principle that everyone is suitable for everything and reinforce this as norms through nudging.

Keywords: Reservation policies, social representation, economic discrimination, systemic inter-caste disparities, caste & poverty, quotas in government jobs and pitfalls of rule of law

Introduction

The primary purpose of this research paper is to examine the rationality of SCs and STs reservation in India as well as to evaluate whether the vision of extending benefit of reservation had trickled down to the actual beneficiaries across all sections of Dalit or Not. As we are aware that the affirmative action intends to develop an inclusive society with a guarantee of taking everyone together through a mechanism of reservation ^[1] and to speed up the establishment of a representative and unprejudiced workforce ^[2] in addition to those who were in the past deprived by unfair discrimination to fulfil their highest potential.

At the outset, it is important to note that the architects of the Constitution of India did not view reservation as a panacea for social inequality ^[3]. Rather, they regarded it as a temporary and remedial measure to ensure adequate representation and facilitate the social and educational advancement of historically disadvantaged communities ^[4]. The framers of the Constitution did not regard reservation as a means of eliminating or substantially mitigating the caste system itself. Rather, they viewed it as a remedial mechanism to secure adequate representation and promote substantive equality for historically disadvantaged communities while broader social transformation would require additional measures ^[5]. They were engaged with the question of strategies and instruments which would lead to the annihilation of caste altogether ^[6].

It is submitted by researchers that according preferential treatment to the Scheduled Castes (SCs) and Scheduled Tribes (STs) is rooted in the historical and structural stratification of Indian society. They claimed India's reservation policy is designed to address centuries old discrimination, exclusion, and underrepresentation by promoting substantive equality and ensuring adequate

representation of historically disadvantaged communities ^[7]. This measures will consequently result in elimination of several level of social discrimination at every walk of life ^[8]. Even the framers of the Constitution in CAD argued that protective discrimination and affirmative action will facilitate in addressing the historical injustices, social exclusion, and discrimination experienced by the Scheduled Castes and Scheduled Tribes. Through the Constitution mandates under Article 17 an attempt was made to abolish untouchability. Further through Articles 14, 15, and 16, envisioned a society free from caste-based discrimination by promoting substantive equality and social justice ^[9].

The Framers of the constitution envisages the principle of positive discrimination in favour of women, irrespective of caste or class. Article 15(3) empowers the State to make special provisions for women and children as an instrument of substantive equality, recognizing the historical and structural disadvantages faced by women in society ^[10]. However, when this research paper is written it has been experienced that still the caste-based discrimination and its ramification is encountered here and there. We need to understand that the issue of caste-based supremacy may not be addressed alone through reservation policies. Even concept of substantive equality ^[11] is a myth and the constitution guarantee needs initiative more than talk show of TV programme. Caste-based oppression in India appears to be more hostile in comparison to its past practices ^[12].

Despite constitutional mandates and series of legislative protections in India; discriminatory treatment remains endemic and discriminatory societal norms continue to be reinforced by government and private structures, often through violent means ^[13]. Researchers have insufficiently addressed both the ineffective enforcement of protective laws and the caste-based misconduct of state actors charged with ensuring that the "rule of law" prevails over

discriminatory social structures ^[14]. The contemporary literature and recent reports indicate that caste-based discrimination and violence against Dalits remain widespread across India, with persistent under-enforcement of protective legislation and continued structural bias within institutions responsible for upholding the rule of law ^[15]. This research paper seeks to examine how and why constitutional guarantees of equality and extensive legislative efforts have had limited impact in addressing centuries of structural oppression and social exclusion experienced by Dalits in India. Dalits continue to experience social stigmatization rooted in entrenched caste hierarchies, which perpetuate negative stereotypes and social labelling in contemporary Indian society ^[16]. Even today, Dalits remain systematically excluded from various social, economic, and institutional spaces, particularly in rural areas where caste-based boundaries continue to shape access and participation ^[17]. Moreover, Dalits often face social rejection in everyday interactions, including restrictions on social mixing, cultural participation, and community integration, reflecting the persistence of caste-based discrimination ^[18].

Taken together, these patterns of stigmatization, exclusion, and rejection reinforce one another to sustain a durable structure of caste inequality in contemporary India ^[18]. The most alarming facts regarding caste-based society of India is that rather than disappearing with legal reform or economic change, hierarchies thereof are reproduced and increasing in day-to-day social practices. It is limiting Dalits' full participation in social, economic, and political life ^[20]. In some parts of India Dalits had been forced to accept the hierarchy of caste and some individuals claim that it is interwoven in the fabric of social culture.

Background

The origins of reservation policy in India are generally traced to the late colonial period, when policies of communal and caste-based representation were introduced to address unequal access to education and public employment ^[21]. Initially British government had not extended this as a reservation policy in the military services by giving preferential treatments for Muslims and Sikhs but executed this by branding few communities as martial races ^[22]. In the modern sense, reservations originated through social and educational reforms in princely states of South India rather than under British imperial military policy. The princely state of Mysore was among the earliest to introduce preferential representation for underrepresented communities in public employment and education. While initiatives to broaden access began in the late nineteenth century, a formal reservation policy emerged following the recommendations of the Miller Committee (1918), leading to the Government of Mysore's Communal Government Order of 1921, which reserved government posts for different communities ^[23]. Acting on the recommendation of Miller Committee the Mysore government issued the Communal Government Order in 1921, establishing one of India's earliest systems of reservations for non-Brahmins and other underrepresented communities in public employment ^[24]. The Indian Councils Act of 1909 (Morley-Minto Reforms) introduced separate electorates and reserved legislative representation for Muslims in British India. These provisions were expanded under the Government of India Act of 1919 and further extended by the Government of India Act of 1935 to include additional

communities. These measures concerned political representation rather than reservations in public employment, which evolved separately through provincial initiatives and were later institutionalized under the Constitution of independent India ^[25].

India's Reservation Policies in Post Independence

1. Constitutional Mandates and Policy Effort

Preferences in India are of three basic types. Firstly, there are reservations of for positions. These reservations assign or make possible access to esteemed positions or resources. Secondly, there are programmes involving expenditure or the provision of services for e.g. scholarships, grants, loans, land allotments, health care, and legal aid to the beneficiary groups. Thirdly, there are special protections. Reservations together with other welfare initiatives comprise the heart of affirmative action for these previously disadvantaged groups.

Specifically, the Constitution of India provides for "reservations" in favour of two disadvantaged groups; namely, the Scheduled Castes (SCs) and the Scheduled Tribes (STs). These reservations exist in the following areas:

- In the state legislatures and the union legislature or parliament ^[26],
- In services under the states ^[27], and
- In educational institutions ^[28].

Fourth has been added by 73rd and 74th amendment in Municipalities and Panchayats ^[29].

Apart from reservations in educational institutions, other programmes for the upliftment of the backward classes include:

- Exemption from school fees,
- The provision of stipends or scholarships,
- The provision of facilities like book grants, and
- The maintenance of hostels, or assistance to hostels for SC students ^[30].

The central government further sponsors the following:

- College scholarships,
- The award of travel grants, and
- A seven-and-a-half percent reservation in favour of SCs in merit scholarships,
- Assistance by way of special coaching for the SC students residing in hostels, and pre-examination coaching facilities for SC students appearing in competitive examinations, and
- In some states, reservations in services under the state and in educational institutions in favour of OBCs were added. Reservations coupled with other welfare programmes constitute the core of affirmative action for the upliftment of these groups.

Article 16(4) of the Constitution specifically empowers the State to make any provision for the reservation of appointments or posts in favour of any backward class of citizens which is not adequately represented in the services under the State. With the same end in view, the Constitution envisaged in the Directive Principles of State Policy and elsewhere the economic and educational development of the weaker sections, particularly the SCs and STs. Moreover, the government has taken several steps for the upliftment and welfare of the scheduled castes and Schedule Tribes.

2. Systemic Inter-Caste Disparities

Positioned at the bottom of the traditional caste hierarchy, Dalits (formerly referred to as "untouchables") continue to experience disproportionately high levels of poverty, discrimination, social exclusion, violence, and oppression despite constitutional guarantees of equality. Empirical studies have shown that caste remains a salient marker of social identity in many parts of rural India. In states such as Uttar Pradesh and Haryana, caste identities are often publicly invoked in derogatory ways, residential segregation persists, and social interactions continue to be shaped by caste affiliation. These enduring practices of exclusion contribute to the marginalization and socioeconomic disadvantage of Dalit communities ^[31]. Caste-based discrimination continues to operate across labour, land, credit (capital), and product markets, restricting Scheduled Castes' access to economic opportunities such as dairy production and distribution networks. Empirical research shows that despite formal market openness, social norms and exclusionary practices continue to shape participation in both rural and urban economies, limiting occupational mobility and reinforcing economic stratification ^[32]. In labour markets this is manifested both as wage discrimination and job discrimination.

While caste is primarily associated with Hindu social organization, elements of caste-like stratification and inter-group inequality can also be observed within Indian Muslim, Christian, and Buddhist communities due to the historical persistence of social hierarchies and patterns of endogamy. However, the extent and form of such stratification vary significantly across and within these religious groups. It was observed that those who are converted from Dalits to Christianity and Buddhism are remains to continue with their past identity even after conversion; despite some financial assistance by religious institutions ^[33]. Caste based superiority still dominates in behavioral practice of India. Still in rural areas individuals are identified by their caste status and presumably are more inclined to pursue caste-based occupations given the correspondingly lower spread of the modern, formal economy ^[34].

3. Relation between Caste & Poverty

The relationship between caste and poverty is mutually reinforcing, with each perpetuating the other through interlinked social and economic mechanisms. This intersection poses a significant challenge to the realization of substantive social democracy in India, as caste-based exclusion continues to shape access to resources, opportunities, and institutional participation ^[35]. The inextricably intertwined phenomena of caste and poverty is so well entrenched that it has failed to recede back even after the adoption of economic reform measures in India in 1991 ^[36]. On the contrary, some scholarship argues that post-1991 economic liberalization has not weakened caste-poverty linkages and may, in certain contexts, have reinforced existing inequalities by unevenly distributing the gains of growth. This has raised concerns about the limits of market-led development in addressing structural caste-based exclusion and its implications for substantive democratic equality ^[37]. It is submitted that Dalit students enrolled in government schools in India continue to face significant deficits in basic educational infrastructure, including inadequate classrooms, teacher shortages, and limited access to teaching and learning materials, which collectively contribute to persistent educational disadvantage ^[38].

Government schools in India predominantly use regional languages as the medium of instruction, while many private schools—whose enrolment is disproportionately drawn from socio-economically advantaged and upper-caste groups—tend to use English-medium instruction. This linguistic divide is closely linked to differences in financial capacity, which shapes access to higher-quality schooling and limits educational choice for disadvantaged groups, thereby reinforcing existing inequalities in educational attainment ^[39]. Similarly, Dalit workers engaged in manual scavenging have historically been forced to clean open drains and sewers without adequate protective equipment, exposing them to highly toxic and life-threatening conditions. Although such practices are now prohibited by law in India, reports indicate that they persist in some contexts, often driven by economic compulsion, social coercion, and fear of job loss, which limits workers' ability to refuse such hazardous work ^[40].

4. Social discrimination on Human Index

UNDP human development indicators highlight that India continues to face significant challenges related to poverty, inequality, and social exclusion ^[41]. There is plenty of evidence which documents the substantial gaps between SCs and Others in access to education, quality of education, access to resources that could enhance learning, and also of active discrimination inside schools by teachers ^[42]. SCs and especially STs tend to have poorer health indicators, including higher rates of child malnutrition, infant mortality, and maternal mortality ^[43]. Many ST communities still face limited access to healthcare because they live in remote areas ^[44]. Measures such as the Inequality-adjusted Human Development Index and India's national social statistics show that social inequalities continue to affect development outcomes ^[45]. Caste and tribal status remain important determinants of opportunities in education, employment, healthcare, and income ^[46].

Migration and the anonymity of the urban environment have in some cases resulted in upward occupational mobility for Dalits, but the majority continues to perform its traditional or "polluting" functions ^[47]. Those in urban areas work mostly in the unorganized sector. India's much touted system of reservations or constitutionally reserved quotas for scheduled castes assists less than 1 percent of the Dalit population ^[48]. Dalit women face intersecting caste- and gender-based discrimination, reflected in lower wages, persistent poverty, and disproportionate exposure to serious crimes such as rape and murder ^[50]. Crime statistics reveal that Scheduled Caste (SC) women remain disproportionately vulnerable to serious offences, including rape and murder" ^[49]. According to the latest available data from the National Crime Records Bureau (National Crime Records Bureau), crimes against Scheduled Caste (SC) women continue to form a significant part of reported atrocities against SCs in India. In recent years, the total number of crimes against women has remained consistently high, with 4,48,211 cases registered in 2023, showing a slight increase compared to previous years ^[51]. Overall, the trend in NCRB data indicates that crimes against SCs, including SC women, remain a serious concern, though annual fluctuations occur due to changes in reporting practices, awareness levels, and registration of cases. Economic mobility among a section of Dalits has not necessarily translated into social equality, as caste-based

discrimination and structural exclusion continue to persist in various forms. As poignantly noted by a Dalit surgeon and legislator from Bihar, “It is India’s most shameful paradox—this country has made almost unimaginable progress in nearly every sphere of human life, but the condition of its Dalits and backward communities remains largely unchanged. I am a microsurgeon specialising in hand and spinal reconstruction, and a Member of the Legislative Assembly from Bihar, but I still remain very much a Dalit—a dhobi, to be precise—open to routine humiliation from upper castes.”^[52]

5. Dalit Women and Positive Discrimination

Dalit women face a triple burden of caste, class and gender^[53]. According to official labour and socio-economic data sources in India, a large proportion of Dalit women remain concentrated in informal and low-paid work, particularly in agriculture as wage labourers and in other forms of precarious employment. Many are engaged in casual labour with limited income security and minimal social protection. Historical caste-based occupational structures continue to influence employment patterns, contributing to their overrepresentation in the informal sector^[54]. Reports and peer-reviewed studies indicate that Dalit women are disproportionately represented in sanitation-related occupations, including manual scavenging and hazardous cleaning work, despite the legal prohibition of the practice under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.^[55] Despite the Hon’ble Supreme Court’s interpretation in *Government of Andhra Pradesh v. P.B. Vijayakumar*,^[56] the Court affirmed that Article 15(3) of the Constitution, which enables the State to make special provisions for women, forms an essential component of gender equality and extends to creating employment opportunities for women. Making special provision for women in respect of employment or posts under the State is an integral part of Art. 15(3). The Court further held that this power is not limited or restricted by Article 16 and may be exercised across all areas of State activity, including public employment^[57]. However, the socio-economic situation of Dalit women remains highly vulnerable. They continue to face multiple layers of structural disadvantage arising from caste and gender hierarchies^[58]. In addition, there is a lack of comprehensive and disaggregated official data specifically capturing the representation of Dalit women in government employment, making accurate assessment of their status in public services difficult.

Reality of Policy Implementation

India’s affirmative action framework is largely structured around caste-based reservations, as upheld in *Indra Sawhney v. Union of India*,^[59] where the Supreme Court recognised caste as a key indicator of social and educational backwardness. While affirmative action for women exists primarily in local governance through the 73rd and 74th Constitutional Amendments (Articles 243D and 243T), caste remains the dominant basis of redistribution policy in India.^[60] The system continues to be highly contested, particularly after landmark judgments such as *Indra Sawhney and Janhit Abhiyan v. Union of India*,^[61] which reflect ongoing constitutional debates over equality and redistribution. Judicial reasoning has consistently treated caste as a valid starting point for identifying backwardness,

though not as the sole determinant. However, Supreme Court jurisprudence, particularly in *M. Nagaraj v. Union of India*,^[62] also highlights that benefits of affirmative action have not fully reached all eligible groups, requiring continuous evaluation and quantifiable data on representation. However, following the Sachar Committee Report and judicial developments such as *State of Punjab v. Devender Singh*,^[63] along with reports highlighting weak and uneven implementation of affirmative action policies, there has emerged a broader debate on the overall desirability and effectiveness of affirmative action in India. These developments have intensified discussions on whether existing reservation frameworks are adequately achieving their intended goals of social justice and substantive equality. It has been observed in judicial and policy literature that affirmative action outcomes are shaped by hierarchical social structures, political processes involved in beneficiary identification, and institutional coordination challenges, which together affect effective implementation^[64]. The Supreme Court has also emphasised the necessity of empirical and quantifiable data for proper implementation of reservation policies, reflecting concerns regarding administrative and evaluative gaps^[65]. Empirical and sociological studies further indicate that caste-based social divisions persist, particularly in rural India, reinforcing patterns of exclusion and identity-based stratification^[66].

1. Implementation of quotas in government jobs

Recent official data from the Department of Personnel and Training (DoPT) indicates that representation of Scheduled Castes, Scheduled Tribes, and Other Backward Classes in Group A (Class I) services has improved compared to the pre-reform period, but continues to reflect structural imbalance^[67]. As per the DoPT Annual Report 2024–25, SC/ST/OBC officers together account for approximately 40 percent of Group A positions across central services, while their representation remains comparatively higher in Group B and Group C categories, indicating persistent vertical stratification within the Indian bureaucracy^[68]. The same report shows that representation of these groups is higher in Group B and Group C services compared to Group A, indicating a persistent “vertical stratification” in the staffing pattern of the Central Government.^[69]

Historical data published by the Department of Personnel and Training (DoPT), Government of India shows that representation of Scheduled Castes (SCs) in Group A (Class I) Central Government services has increased significantly. Post the implementation of the Mandal Commission recommendations (1990s), the inclusion of Other Backward Classes (OBCs) in central services further expanded representation, with OBC participation in Group A rising into the mid-teens to around 18–20% range in later years, contributing to a broader diversification of the bureaucracy. Despite long-term initiatives reports of the National Commissions for Scheduled Castes and Scheduled Tribes (NCSC/NSTC) consistently noted that SCs, STs, and OBCs remain underrepresented in higher Group A services relative to their population shares.^[71] Their presence is comparatively higher in Group B and Group C posts, indicating persistent vertical stratification within the administrative hierarchy.

Whether this representation has opened the door of UR seats of SCs and STs candidates who performed well in written examination. The opinion of the SCs and STs professors are negative in this respect. They claim hardly they have

noticed that meritorious candidate has been given equal treatment like general category in awarding of viva voce marks. Many a times post selection analysis of caste-based representation by the general or SCs & STs categorically reveal that constitutional spirit has not been understood by a larger section of the society. Even, academic discourse on civil service recruitment in India highlights a structural tension between formal equality in selection processes and perceived disparities in evaluative stages such as the viva voce. While reservation policies allow SC/ST candidates who qualify on merit to compete in unreserved vacancies, scholars and some stakeholders argue that discretionary components of selection may introduce subjectivity in assessment. This has led to debates on whether procedural mechanisms fully reflect the constitutional goal of substantive equality, even though empirical evidence of systematic bias remains contested and inconclusive.

However, before the 1990s, reservation policy implementation remained weak due to administrative resistance, inadequate vacancy notification, and procedural barriers in recruitment processes. The Mandal Commission Report (1980) itself highlighted systemic exclusion of backward classes from public employment, while the Supreme Court in *Indira Sawhney v. Union of India* (1992) acknowledged both the constitutional validity of reservations and the practical challenges of implementation.

At higher levels of recruitment and promotion, empirical and sociological studies indicate that informal and procedural mechanisms such as interview-based screening, ad hoc appointments, personality assessments, and adverse confidential records contributed to the exclusion of SC candidates from senior positions. Scholarly work by Thorat and Newman (2010) and Deshpande (2011), along with judicial observations in *State of Kerala v. N.M. Thomas*,^[70] and *Ashok Kumar Yadav v. State of Haryana*^[72] demonstrate that such institutional practices often reinforced structural barriers despite formal equality guarantees.

Overall, while affirmative action has produced measurable gains in representation over time, recent empirical literature continues to highlight that expanded access has not fully eliminated structural inequality, and in some cases has reproduced stratification within employment hierarchies, particularly in high-skill and elite positions.

2. Implementation of quotas in higher education

Overall, the Gross Enrolment Ratio (GER) for higher education, which has risen from 0.7% in 1950-51, to 1.4 % in 1960-61, and to 8% in early 2000, is still very low (about 10%) compared to the world average. The existing Enrolment of Eligible Ratio (EER) of roughly 60% indicates that 40% of students who complete their higher secondary programs do not go in for higher education. data from NSS for 2004-05 reveals that only 9.7 percent of rural SC men and 3.5 percent of rural SC women in the age group 20-24 are enrolled in higher educational institutions, as compared to 14.9 and 6 percent of rural Other men and women respectively. The corresponding figures for rural STs are 8.6 and 5.2; for OBCs, the figures are 11 and 4.1 respectively^[73].

3. Pitfalls of Rule of Law

Inequality in India can be attributed to self styled neutral drafting of Article 21 of the Constitution of India. Moreover, it is aggravated by the the “neutrality” of the

state which is supposed to work as a guarantor of social justice. In implementation of social justice, it had helped the executive agencies to justify their conduct if it is covered within procedure established by law. It was aggravated by giving over protective scope and operation of Official Secret Act 1923. Until recently RTI Act 2005 and E-Governance has introduced individual accountability and transparency; most of the policies had been implemented on papers.

India presents a unique challenge human rights lawyers and advocates who operate exclusively in the framework of international human rights law as a mechanism for achieving social change. International human rights laws and mechanisms, with their over-reliance on the role of the state, and their almost unquestioned faith that the right laws will do the trick.

Conclusion

It is evident from the ongoing discussion that despite constitutional mandates and some legislative efforts by the central and states government access to political representation, work, and education remains a significant obstacle for ST and SC groups in India. The major reason for this dismay performance is it is linked to judicial transformation of social evils. India’s social transformation project is stunted by its increasing dependency on courts as a source of redress; its recourse to the legislature and courts is seen as the dominant avenue for social reform. Moreover, it is essential for all those who are involved with the process of implementation; to accept that the current affirmative action policy has certain have certain flaw. Although it has been started with the motive of upliftment, option of opportunity for vulnerable and deprived section of the society, it has not been used in proper manner accept as tools of securing, or saving its political position in India. It is very unfortunate that after 78 years of independence scheduled castes and scheduled tribe’s people’s participation is very few in higher jobs and policy formation stages. Based on unscientific steps like; initially no steps were taken to give preferential treatment in schools by giving training to those who lacks social and cultural access to education for whatsoever reasons. Secondly it was always preferred by all the ruling parties India to do more propaganda rather assessing that its benefit is reaching to majority vulnerable and deprived class of India. Why third generation or fourth generation of all those family will get the benefit of affirmative action when perhaps the moment grandfather and father has got the protection rights all those who are still not got sufficient support for poor enforcement reasons or abuse of power by the executive needs to be emphasized by giving or adding clause that the first claim on all opportunity should be for them whose family has yet not received any benefit.

The researcher submits that the existing policies are unable to address the root cause of the discrimination. The focus of reservation policy in practice appears to have shifted from addressing the broader sociological dimensions of caste-based discrimination to a narrower emphasis on facilitating access to public employment for a limited section of Scheduled Castes (SCs) and Scheduled Tribes (STs), thereby raising concerns regarding the uneven distribution of its benefits. We need to understand the sociology of this law and reframe it with the objective of changing the norms of society by imbibing principle that everyone is suitable for everything and reinforce this as norms through nudging.

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11. A substantive equality-based justice system requires fairness for all citizens in letters and in lived realities too. It tries to dismantle the structural and systemic barriers that hinder marginalized communities from effectively accessing justice. Substantive equality imposes legal duties that go beyond identical treatment.
12. (i). In November 2011, a Justice of the Madras High Court stated that he had been humiliated by fellow judges due to his caste since 2001.
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