



Transformative constitutionalism in India: bridging Articles 14–17 and lived realities for Dalit (Shudra) communities

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Abstract

This article examines the implementation of India's constitutional equality provisions (Articles 14–17) through the lens of transformative constitutionalism. While these provisions formally guarantee equality before the law, prohibit discrimination, ensure equality of opportunity in public employment, and abolish untouchability, persistent disparities reveal a profound gap between rights on paper and lived experiences of Dalit (Shudra) communities. Using a mixed-methods desk-based approach—combining doctrinal review, secondary empirical evidence, and institutional analysis—the paper maps how constitutional promises encounter bottlenecks at multiple levels. Findings identify five recurrent gaps: over-broad design mandates, limited institutional capacity, procedural barriers in enforcement, weak accountability mechanisms, and deficits in community trust. Despite these challenges, localized innovations such as fast-track atrocity courts, paralegal networks, and university anti-discrimination cells demonstrate that targeted interventions can improve outcomes. To conceptualize this dynamic, the study introduces a “Constitution-to-Community Bridge (C2CB)” model, which traces how constitutional norms must be translated through institutions, processes, and outcomes, with feedback from affected communities. The model provides a diagnostic tool to identify which link in the chain fails and a reform agenda for clarifying positive obligations, strengthening administrative and judicial capacity, ensuring transparency, and empowering marginalized communities. The article contributes both to Indian constitutional scholarship and to comparative debates on how constitutions can function as instruments of social transformation in deeply hierarchical societies.

Keywords: Transformative constitutionalism, Article 14, Article 15, Article 16, Article 17, substantive equality, caste discrimination, implementation gap, access to justice, constitution-to-community bridge (C2CB)

Introduction

Transformative constitutionalism describes a mode of constitutionalism in which courts, institutions and public law practices seek not merely formal or textual parity but substantive social transformation; the concept—first elaborated in the comparative literature by Karl Klare—has been widely proposed as a framework for understanding how constitutions can actively address historic social hierarchies (Klare, 1998; Vilhena Vieira, Baxi, & Viljoen, 2013) [18, 29]. Upendra Baxi's work on Indian constitutionalism similarly stresses the Constitution's ethical and redistributive ambitions and the need to read constitutional text against socio-historical inequalities (Baxi, 2012) [4]. In India, Articles 14–17 form the constitutional core of the equality project: Article 14 promises equality before the law and equal protection, Article 15 proscribes discriminatory treatment while permitting remedial affirmative measures, Article 16 secures equality of opportunity in public employment (including reservations), and Article 17 abolishes untouchability as a social and legal practice (Khosla, 2012) [16]. Notwithstanding these textual commitments, however, multiple lines of empirical and socio-legal scholarship document persistent caste-based exclusion and violence against Dalit communities (Jaffrelot, 2003; Jena & Acharya, 2024) [12, 13], and official crime statistics confirm continuing high incidence and slow case-resolution in atrocities reported against Scheduled Castes. Scholars working from a postcolonial and socio-legal perspective have therefore emphasized an implementation gap: constitutional norms frequently remain “rights on paper” unless accompanied by institutional capacity, procedural safeguards, and affirmative institutional design

that connect judicial pronouncements to community-level realities (Narain, 2016; Baxi, 2012) [4, 22]. Building on this literature and the comparative conversations about transformative constitutionalism, this article examines the doctrinal trajectory of Articles 14–17, the statutory and institutional instruments intended to operationalize equality, and the secondary empirical evidence that maps where and why constitutional promises fail to produce substantive change for Dalit (Shudra) communities. The purpose is diagnostic and constructive: to identify doctrinal and institutional bottlenecks and to propose targeted levers—legal, administrative and community-facing—that can better align constitutional promises with lived experience.

Conceptual & Theoretical Framework

The conceptual foundation of this study rests on the framework of transformative constitutionalism, which shifts the understanding of equality from a narrow, formal guarantee toward a substantive realization of justice. As Karl Klare (1998) [18] first articulated, transformative constitutionalism requires courts and institutions to interpret constitutional rights dynamically so that law functions as an engine of social change. Applied to the Indian context, scholars such as Baxi (2012) [4] and Khosla (2020) [17] emphasize that the Constitution was not meant to merely preserve existing legal forms but to actively dismantle entrenched caste hierarchies and ensure dignity and inclusion for marginalized communities. This interpretive commitment underpins the movement from formal equality—treating likes alike—toward substantive equality, which accounts for structural disadvantages and entrenched power asymmetries.

Within this trajectory, the jurisprudence of substantive equality in India has evolved through distinct doctrinal tests. The doctrine of reasonable classification, established in early constitutional cases, allowed the state to classify and legislate differentially as long as the classification had an intelligible basis and a rational nexus with legislative objectives. However, critics note that this approach risks entrenching stereotypes rather than dismantling them (Khaitan, 2015) [15]. More recent judicial developments have incorporated anti-stereotyping and anti-subordination principles, which prohibit state or institutional practices that reinforce hierarchical identities or perpetuate systemic disadvantage (S Atrey, 2025) [2]. The test of manifest arbitrariness, affirmed in *Shayara Bano v. Union of India* (2017), further enables courts to strike down laws and practices that are irrational or unjust in their operation. These layered doctrinal moves illustrate the ongoing shift in Indian jurisprudence toward substantive equality, where the focus is not only on equal treatment but also on rectifying structural disadvantage.

Another important theoretical dimension arises in the tension between recognition and redistribution. Nancy Fraser (2000) [8] explains that recognition of identity and dignity is essential to correcting symbolic injustices, while redistribution of resources addresses material inequities. In the Indian context, both are required: recognition combats caste stigma, while redistribution underlies policies of reservation and affirmative action. Amartya Sen's (1999) capabilities approach provides a useful operational framework here, arguing that equality must be measured not in terms of formal rights or material inputs alone, but in terms of people's actual freedoms and capabilities to pursue valued life activities. Applied to equality rights, this approach helps assess whether constitutional provisions meaningfully enhance Dalit communities' access to education, employment, and social participation.

Finally, the idea of transformative constitutionalism implies that equality provisions generate not only negative prohibitions against discrimination but also positive obligations on the state to dismantle systemic barriers. This includes ensuring institutional capacity, social safeguards, and effective remedies. Comparative jurisprudence has shown that constitutions can have a horizontal effect, extending equality obligations to relationships between private parties, particularly in contexts where social hierarchies are deeply entrenched (Fredman, 2016) [9]. While Indian courts have been cautious in applying horizontal duties, the logic of transformative constitutionalism suggests that state inaction in private discrimination contexts may itself constitute constitutional failure. In this way, the theoretical framework anchors the analysis in a model that views equality as both freedom from subordination and empowerment through positive institutional design.

Constitutional Architecture of Equality & Statutory/Institutional Extensions

The constitutional architecture of equality in India is anchored in Articles 14 to 17, which together articulate the normative basis for dismantling hierarchical structures of caste and social exclusion. Article 14, providing for equality before the law and equal protection of laws, has long been described as the "heart of the Constitution" because it animates the entire framework of rights and state action. While early jurisprudence treated Article 14 in terms of

formal parity and the doctrine of reasonable classification, the Supreme Court has gradually shifted toward a more robust conception of substantive equality that interrogates whether state action perpetuates structural disadvantage (Khosla, 2020; Khaitan, 2015) [15, 17]. Through cases such as *E.P. Royappa v. State of Tamil Nadu* (1974) and later *Navtej Singh Johar v. Union of India* (2018), the Court expanded Article 14 to prohibit arbitrariness and stereotyping, reflecting a transformative understanding of equality.

Article 15 supplements this guarantee by explicitly prohibiting discrimination on grounds of religion, race, caste, sex, or place of birth, while simultaneously authorizing the state to take affirmative action to advance the interests of socially and educationally backward classes. Scholars note that this dual structure enables Article 15 to move beyond formal non-discrimination toward redistributive justice, particularly through reservations in education and welfare schemes (Galanter, 1984; Austin, 1999) [11]. Judicial interpretation has endorsed such measures, confirming that substantive equality requires remedial differentiation to redress historical disadvantage, even as recent debates around the 103rd Constitutional Amendment introducing reservations for Economically Weaker Sections (EWS) have complicated the redistributive logic of Article 15 (Jena & Acharya, 2024) [13].

Article 16, addressing equality of opportunity in public employment, has been a central site for debates on reservations and promotions. While the Constitution permits reservations for Scheduled Castes and Scheduled Tribes, judicial rulings have oscillated between recognition of compensatory justice and concerns about efficiency and merit. Landmark cases such as *Indra Sawhney v. Union of India* (1992) upheld reservations but introduced the "creamy layer" principle, limiting benefits for relatively better-off individuals within backward classes (Muralidhar, 2019). Subsequent cases, including *M. Nagaraj v. Union of India* (2006), further clarified the conditions under which reservations in promotions could be justified, requiring empirical demonstration of backwardness and inadequate representation. This evolving jurisprudence underscores the constitutional tension between equality of opportunity and social justice.

Article 17 takes a more radical step by abolishing the practice of untouchability and criminalizing its enforcement. Scholars argue that Article 17 represents one of the Constitution's most transformative provisions, seeking to eradicate caste-based degradation at both symbolic and material levels (Galanter, 1984; Baxi, 2012) [4, 11]. However, despite its categorical language, the persistence of untouchability practices and caste-based violence documented in socio-legal studies and official reports demonstrates the difficulty of translating constitutional prohibition into lived equality. Article 17 thus imposes both negative prohibitions and positive obligations, requiring the state to legislate, enforce, and promote dignity for Dalit communities.

Complementing these equality provisions are Directive Principles of State Policy, particularly Articles 38, 39A, and 46. Article 38 obliges the state to promote the welfare of the people by securing social, economic, and political justice, while Article 39A emphasizes equal justice and free legal aid, and Article 46 directs the state to promote the educational and economic interests of Scheduled Castes and

Scheduled Tribes. Though non-justiciable, courts have often read these principles as interpretive guides to give substantive content to fundamental rights (Austin, 1999; Muralidhar, 2019).

The constitutional vision of equality is further operationalized through statutes, policies, and institutions that serve as bridging instruments. Foremost among these is the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, strengthened by subsequent amendments and rules, which criminalizes caste-based atrocities, provides for special courts, and mandates victim support. Reservation frameworks in education and employment, grounded in Articles 15 and 16, remain central redistributive tools, though the EWS quota has introduced new debates about economic versus caste disadvantage. Other legal instruments such as the Legal Services Authorities Act, 1987 and the Right to Education Act, 2009 extend access to justice and education as part of the broader equality mandate. Institutional mechanisms include the National Commission for Scheduled Castes (NCSC), state equality commissions, and special courts, while grassroots-level access is facilitated through legal aid clinics. Administrative mechanisms—such as caste-based data systems, grievance redressal portals, and social audits—are increasingly recognized as essential to bridging the gap between constitutional rights and their implementation (Muralidhar, 2019; Jena & Acharya, 2024) ^[13].

Taken together, these constitutional provisions, directive principles, statutes, and institutions represent a layered architecture of equality. Yet, as critical scholarship and empirical evidence demonstrate, the effectiveness of this architecture depends less on textual commitments and more on the institutional and political will to transform those commitments into substantive justice for Dalit communities.

Jurisprudential Trajectory (Doctrinal Analysis)

The trajectory of Indian equality jurisprudence illustrates a gradual but uneven movement from a narrow understanding of formal parity toward a richer conception of substantive equality. Landmark cases have provided doctrinal turning points. In *State of West Bengal v. Anwar Ali Sarkar* (1952), the Supreme Court first tested Article 14 by applying the doctrine of reasonable classification, requiring that legislative distinctions be based on intelligible differentia with a rational nexus to the law's objectives. This formal test dominated early equality jurisprudence, but over time it was supplemented by more dynamic principles. *E.P. Royappa v. State of Tamil Nadu* (1974) marked a watershed, with Justice Bhagwati declaring that equality is "a dynamic concept with many aspects and dimensions" and equating arbitrariness with discrimination. Later, in *Maneka Gandhi v. Union of India* (1978), the Court consolidated this approach by integrating Articles 14, 19, and 21, signaling that arbitrariness was incompatible with constitutional guarantees. More recent decisions, including *Navtej Singh Johar v. Union of India* (2018) decriminalizing homosexuality and *Indian Young Lawyers Association v. State of Kerala* (2018, the Sabarimala case), have explicitly drawn on anti-stereotyping and dignity principles, showing that equality jurisprudence is now deeply interlinked with constitutional morality (Khosla, 2020; Khaitan, 2015) ^[15, 17]. These developments demonstrate identifiable doctrinal trends. Initially, Article 14 jurisprudence was confined to formal parity and reasonable classification, but later cases

adopted a more substantive approach rooted in anti-subordination—that is, the prevention of practices that reinforce hierarchical social structures. This is particularly visible in affirmative action jurisprudence, where courts have upheld differentiated treatment as a means of achieving substantive equality (*Indra Sawhney v. Union of India*, 1992). In parallel, the Court has increasingly employed proportionality review as a standard for testing restrictions on rights and balancing equality with competing interests. The proportionality doctrine, formalized in *Modern Dental College v. State of Madhya Pradesh* (2016) and later applied in *Puttaswamy v. Union of India* (2017), adds rigor to equality adjudication by requiring that state action be necessary, suitable, and least restrictive in advancing legitimate aims. Together, these shifts illustrate the Court's effort to move beyond mere textual guarantees toward reasoned judicial frameworks for substantive equality.

Article 17 jurisprudence has been more limited but equally significant. Although the constitutional text unequivocally abolishes untouchability, the Court has often treated enforcement primarily through legislative instruments, particularly the Protection of Civil Rights Act, 1955 and the SC/ST (Prevention of Atrocities) Act, 1989. While these statutes represent legislative fulfillment of Article 17's mandate, their judicial enforcement has faced persistent challenges. Empirical studies demonstrate that convictions under the SC/ST Act remain disproportionately low due to weak investigation, procedural delays, and witness intimidation (Jena & Acharya, 2024) ^[13]. Judicial pronouncements have acknowledged these enforcement deficits, yet remedies remain largely procedural rather than structural. Unlike Articles 14–16, where the Court has advanced doctrinal innovation, Article 17 jurisprudence has often been limited to affirming legislative competence without fully articulating the scope of constitutional duties it entails (Galanter, 1984) ^[11].

Despite progress, important doctrinal gaps remain. First, the scope of horizontal duties is unsettled: while transformative constitutionalism suggests that equality obligations should extend to private actors, Indian courts have been cautious, leaving caste discrimination in private spheres inadequately addressed (Fredman, 2016) ^[9]. Second, questions of remedial design persist—whether courts should limit themselves to striking down discriminatory practices or whether they should mandate affirmative institutional reforms. Third, standards of review under equality jurisprudence remain inconsistent: while proportionality has gained traction in some rights cases, equality claims often continue to be adjudicated under the weaker reasonable classification test. Scholars have therefore called for a more coherent framework that integrates anti-subordination, proportionality, and substantive equality principles into a consistent doctrinal toolkit (Khaitan, 2015) ^[15]. Addressing these gaps is central to aligning constitutional jurisprudence with the transformative aspirations of Articles 14–17.

Lived Realities: Evidence Map

Methodological Note

This evidence map uses a mixed-methods desk design combining doctrinal review with synthesis of published empirical studies, official datasets, and prior qualitative case studies; the choice follows established mixed-methods and case-study practice (Creswell & Plano Clark, 2018; Yin,

2018). The primary documentary inputs are statutes and judgments, UDISE+ school statistics (Ministry of Education), the National Crime Records Bureau's Crime in India series, published peer-reviewed papers and books on caste, and NGO/monitoring reports (e.g., Equity Watch). Analytical tools used here are (a) a legal-implementation scorecard (clarity, capacity, coordination, accountability, community trust), (b) outcome indicators (enrolment/retention, public-sector representation, FIR→charge-sheet→conviction flows), and (c) thematic coding / triangulation of published qualitative cases. Although based on secondary sources (no fresh fieldwork in this paper), the synthesis follows standard ethical positioning: foregrounding the published voices of Dalit scholars and civil-society reports and noting the limitations of desk-based inference about lived experience (Creswell & Plano Clark, 2018; Yin, 2018).

1. Education: representation, dropout, campus climate, discrimination reporting

National school statistics show important gains in enrolment at the primary level but persistent problems of retention and transition for disadvantaged social groups; UDISE+ flash reports document rising attrition as students' progress to secondary and higher secondary levels, indicating that early access does not automatically translate into sustained educational attainment (Ministry of Education, UDISE+, 2020–21) [20]. Scholarly work corroborates these patterns and adds qualitative texture: studies collected in edited volumes and field research (Thorat & Newman, 2010; Maurya, 2018) [19] report that Dalit students experience explicit and implicit exclusion on campuses—social isolation, stigmatizing remarks, differential academic support, and hostel segregation—that depress retention and performance. In higher education, published qualitative studies show that fear of reprisals and low trust in institutional grievance mechanisms deter reporting of caste-based harassment, so formal anti-discrimination rules often remain under-used in practice (Maurya, 2018; Thorat & Newman, 2010) [19]. These combined data suggest that policy must pair access-focused inputs (scholarships, reservations) with campus-level culture change and robust, confidential reporting/redress mechanisms to turn enrolment gains into sustained learning outcomes.

2. Employment: recruitment/promotion patterns, workplace exclusion, contract precarity

Empirical evidence shows that reservations have expanded Dalit representation in public employment but that vertical under-representation persists at senior levels—what scholars describe as a “pipeline” problem—while the private sector exhibits more entrenched exclusionary hiring practices (Thorat & Newman, 2010; Deshpande, 2011). Experimental and correspondence studies document discrimination at the hiring stage: matched-application experiments find lower callback rates for Dalit-sounding names despite identical qualifications (Thorat & Attewell, 2007) [27]. In addition, Dalits remain disproportionately concentrated in contractual and informal employment with precarious terms, lower job security and limited promotion prospects; econometric studies and national labour analyses interpret these patterns as continuing structural sorting by caste (Deshpande, 2011; Thorat & Newman, 2010). Thus, constitutional guarantees that operate primarily in the public sector cannot, by themselves, dislodge private-market mechanisms that reproduce occupational segregation and wage gaps.

3. Protection from discrimination & violence: FIR to conviction funnel, delay & attrition points

Official NCRB data record thousands of offences against Scheduled Castes annually, but conviction rates for atrocity offences and related serious crimes remain low, indicating attrition at multiple stages of the criminal justice process (NCRB, Crime in India 2022). Econometric and time-series research links episodes of caste violence to local political and economic dynamics and shows that increases in relative status for Dalit groups sometimes provoke violent backlash (Sharma, 2015) [26]. Ethnographic and socio-legal studies further document procedural bottlenecks—difficulty in FIR registration on caste-crime complaints, delays in investigation and filing of charge-sheets, weak witness protection and overloaded special courts—which together depress successful prosecutions under the SC/ST (Prevention of Atrocities) framework (Fuchs, 2022; policy evaluation studies) [10]. The net effect is that the statutory machinery designed to operationalize Article 17 often falls short because institutional capacity, evidence regimes, and local power structures impede effective enforcement.

4. Access to justice: legal aid uptake, intimidation, costs, travel/time burdens

Although Article 39A and the Legal Services Authorities Act provide for free legal aid, uptake and effectiveness remain uneven: National Legal Services Authority (NALSA) reports and civil-society audits show variable awareness of services, inconsistent quality of legal aid, funding shortfalls for para-legal networks, and practical burdens—travel, lost wages, and court delays—that dissuade many Dalit complainants from pursuing litigation (NALSA annual reporting; Equity Watch, 2015). Legal studies and institutional reviews emphasize that the formal entitlement to legal aid only translates into usable access when local paralegal outreach, timely legal clinics/ Lok Adalat, and protective measures (for witnesses and victims) are available and resourced (Muralidhar, 2004; NCDHR/Equity Watch, 2015) [21]. Strengthening localized legal-aid infrastructure and monitoring case outcomes therefore emerges as a priority to close the gap between rights on paper and enforceable remedies.

5. Regional contrasts and urban–rural differentials

Spatial and regional analyses show important heterogeneity: comparative social-scientific work finds that states with stronger histories of social reform and political mobilisation for lower castes (for example, some southern states) tend to display relatively better social indicators for Dalits—literacy, political representation and some service outcomes—whereas many north-central districts exhibit deeper persistence of caste hierarchies and poorer access to services (Jaffrelot, 2003; Deshpande, 2011) [12]. Urban settings may reduce visible segregation but reproduce exclusion through labour-market and housing discrimination; rural settings often retain more explicit everyday practices (segregated public spaces, social sanctions) that impede rights realization. These regional and urban–rural contrasts mean that national equality instruments must be calibrated to local political economies and administrative realities rather than implemented as uniform, centrally-designed templates.

Findings & Analysis

The synthesis of doctrinal, institutional, and empirical material highlights five recurrent implementation gaps in

India's equality architecture under Articles 14–17, followed by a set of counter-examples where localized innovations show promise.

Design gap: At the design stage, constitutional and statutory frameworks often articulate ambitious, over-broad mandates without matching operational clarity. For example, the SC/ST (Prevention of Atrocities) Act lays out wide-ranging prohibitions against atrocities but provides limited operational guidance on standardized investigation procedures, victim compensation, or monitoring protocols (Fuchs, 2022) ^[10]. Similarly, reservation frameworks establish quotas but often lack transparent criteria for measuring representation across cadres or defining eligibility in ways that prevent both exclusion and misuse (Deshpande, 2011). This disconnect between broad normative goals and weak rule-making reduces the enforceability and predictability of equality provisions.

Capacity gap: Even where statutory provisions are clear, the capacity of implementing institutions remains a serious constraint. Special courts under the Atrocities Act frequently operate with vacancies or judges lacking specialized training in caste jurisprudence, while investigative agencies struggle with workload and insufficient sensitization (Sharma, 2015) ^[26]. Legal aid services, mandated under Article 39A, are often underfunded and poorly staffed, which undermines their effectiveness for Dalit communities (Muralidhar, 2004) ^[21]. Resource deficits at state equality commissions and the National Commission for Scheduled Castes similarly limit oversight. In practice, the absence of capacity translates into delays, procedural lapses, and inconsistent enforcement.

Procedural gap: Caste-discrimination cases frequently encounter procedural bottlenecks that weaken the protection intended by the law. Studies show that victims face resistance in registering First Information Reports (FIRs), especially in rural areas where local police are embedded in dominant caste structures (Jena & Acharya, 2024) ^[13]. Once registered, charge-sheets are often delayed beyond statutory limits, and witness protection schemes remain underdeveloped, exposing victims to intimidation and social boycotts (NCRB, 2022). These procedural failures erode trust in institutions and contribute directly to case attrition.

Accountability gap: Weak monitoring and lack of transparency create a systemic accountability deficit. Despite the creation of statutory monitoring committees under the Atrocities Act, evaluation reports show irregular meetings and minimal follow-up on recommendations (Fuchs, 2022) ^[10]. NCRB statistics continue to highlight low conviction rates for crimes against Scheduled Castes, often below 30 percent, yet few institutional reforms follow (NCRB, 2022). Data opacity compounds the problem, as disaggregated statistics on reservation implementation, dropout rates, and complaint redress remain fragmented or unpublished, making it difficult to hold institutions accountable.

Trust gap: For many Dalit communities, the cumulative effect of design, capacity, procedural, and accountability weaknesses is a pervasive trust gap between constitutional promises and everyday experience. Victims often choose

not to report discrimination or violence because they anticipate retaliation, stigma, or protracted proceedings with little chance of redress (Maurya, 2018) ^[19]. Studies of higher-education institutions, for example, show that Dalit students frequently underreport caste harassment due to skepticism about institutional responsiveness (Thorat & Newman, 2010). Similarly, employment discrimination persists in part because individuals perceive complaint systems as inaccessible or ineffectual.

What works: Despite these systemic shortcomings, certain localized interventions demonstrate that improvement is possible. Some districts in Tamil Nadu and Maharashtra, for instance, have piloted special fast-track atrocity courts with improved victim-support services, yielding higher conviction rates than the national average (Jaffrelot, 2003) ^[12]. NGO-led community paralegal programs, such as those documented by NCDHR's Equity Watch, have increased awareness of rights, improved FIR registration rates, and reduced intimidation through collective monitoring. In education, targeted mentoring and anti-discrimination cells in select universities have improved retention and reduced dropout among Dalit students (Thorat *et al.*, 2016). These vignettes suggest that when institutional clarity, adequate resources, and community engagement align, the constitutional "bridge" between equality provisions and lived realities becomes more durable.

Discussion

Interpreting findings through transformative constitutionalism: The findings reveal that India's constitutional equality framework operates with ambitious commitments but falters at multiple implementation stages. When interpreted through the lens of transformative constitutionalism, these gaps underscore the distance between the Constitution as a textual charter and the Constitution as a lived reality. Transformative constitutionalism demands that rights evolve from static promises into dynamic principles guiding social transformation (Klare, 1998; Baxi, 2012) ^[4, 18]. In the Indian setting, this requires recognizing that Articles 14–17 are not simply declaratory but impose active duties on state institutions to dismantle caste-based hierarchies. The evidence of design, capacity, procedural, accountability, and trust deficits illustrates that constitutional provisions have been normatively expansive but operationally thin. A transformative approach insists that adjudication, policy, and administration must jointly function to close these gaps, ensuring that Dalit communities experience equality not merely as a legal entitlement but as an everyday practice.

From rights-on-paper to rights-in-practice: clarifying positive obligations: The persistence of these deficits demonstrates that constitutional equality cannot be realized through prohibitions alone. Transformative constitutionalism frames Articles 14–17 as generating positive obligations: duties to design clear rules, resource institutions, protect victims and witnesses, collect and disclose disaggregated data, and foster trust in remedies (Fredman, 2016) ^[9]. Rights-on-paper prohibit discrimination, but rights-in-practice require proactive state action to eliminate barriers to access, redistribute resources, and reconfigure institutional cultures. For example, reservation frameworks demand not only formal quotas but

also transparent monitoring and support structures to ensure genuine opportunity. Similarly, Article 17 requires not just the abolition of untouchability in words but enforcement through specialized courts, protection services, and public education to challenge caste stigma. Clarifying these obligations situates transformative constitutionalism as a bridge between abstract rights and enforceable state responsibilities.

The “C2CB Model”: Constitution-to-Community Bridge: To conceptualize this bridge, the analysis proposes the Constitution-to-Community Bridge (C2CB) model, which traces the pathway through which constitutional norms become lived realities. The model proceeds through five stages: Norm’s → Institutions → Processes → Outcomes → Feedback. At the first stage, constitutional norms articulate values of equality and non-discrimination. These norms are translated into institutions, such as courts, commissions, and statutory frameworks like the Atrocities Act. Institutions operate through processes—investigation, trial, grievance redressal, reservations, campus anti-discrimination mechanisms—which determine whether rights are accessible and usable. These processes generate outcomes, reflected in indicators such as conviction rates, enrolment and retention patterns, and employment representation. Finally, feedback loops capture community perceptions of trust or alienation, shaping whether individuals choose to mobilize rights or withdraw from engagement with institutions. The diagnostic utility of the C2CB model lies in identifying at which link the chain breaks: for instance, when broad constitutional norms exist but institutional capacity is weak, or when institutions exist but processes are procedurally exclusionary, or when outcomes are achieved but feedback reflects persistent stigma or fear. By making these breakpoints visible, the model enables targeted reforms—clarifying norms, resourcing institutions, redesigning processes, monitoring outcomes, or rebuilding trust. In this way, the C2CB model operationalizes transformative constitutionalism by showing concretely how rights travel from text to practice, and where interventions are most urgently required.

Implications, Limitations & Recommendations

The analysis of gaps in the constitutional equality architecture suggests several legal, administrative, and social interventions necessary to realize transformative constitutionalism for Dalit communities.

Legal implications: A first priority is the need for narrow, justiciable duties rather than broad mandates. Legislations such as the SC/ST (Prevention of Atrocities) Act could be strengthened by time-bound procedures for FIR registration and charge-sheet filing, alongside statutory victim-support services. Judicial pronouncements should go beyond declarations of rights to specify enforceable remedies and accountability mechanisms (Fredman, 2016)^[9]. Clear duties, tied to measurable standards, can enhance institutional responsiveness and judicial oversight.

Administrative implications: Beyond the courtroom, equality must be embedded in administrative practice. Dedicated equality units within state departments and local governments could centralize oversight of discrimination complaints, while digital case-tracking dashboards would

allow monitoring of atrocity prosecutions and reservation implementation. Periodic social audits, modeled on those used in welfare schemes, could provide independent verification of compliance, particularly at district level. Such administrative instruments would strengthen the connective tissue between constitutional rights and everyday governance.

Capacity-building implications: Institutional reform is incomplete without investments in human capital. Specialized training for police, prosecutors, and judiciary on caste discrimination is critical, given widespread evidence of bias and procedural failures (Sharma, 2015)^[26]. Parallel investment in community paralegals can bridge the gap at the grassroots, offering both legal literacy and accompaniment for victims navigating complex procedures (Muralidhar, 2004)^[21]. Capacity-building must therefore occur at both state and community levels to ensure robust rights realization.

Data and transparency implications: Reliable and disaggregated data are indispensable for diagnosing progress and failures. Standardized indicators on enrolment, dropout, reservation representation, FIR-to-conviction trajectories, and access to legal aid should be systematically collected and made publicly available, subject to privacy safeguards (NCRB, 2022). Open data platforms would enhance transparency, enable scholarly analysis, and empower civil society monitoring. Without transparent data, accountability for equality outcomes remains elusive.

Community empowerment implications: Finally, constitutional rights become lived realities only when communities themselves can mobilize them. Initiatives for legal literacy, particularly among Dalit women and youth, can reduce dependency on external intermediaries. Collective redress mechanisms, including community-based monitoring groups and ombuds services, strengthen resilience against retaliation and stigma. Empowerment thus operates not only as an end of equality but also as a means of sustaining institutional accountability.

Limitations: At the same time, the scope of this analysis is constrained by limitations. First, reliance on secondary data means that patterns of under-reporting—especially of discrimination and sexual violence—may obscure the full extent of the problem. Second, regional variation implies that findings drawn from national-level data risk over-generalization; localized studies are required to nuance the picture. Third, the doctrinal analysis identifies trends but cannot by itself resolve contested judicial interpretations. These limitations underscore the need for continuous field-based research and doctrinal clarification to complement the desk-based evidence synthesized here.

Conclusion

This study has argued that the promise of equality under Articles 14–17 can be realized only by building a bridge between constitutional text and community experience. The metaphor of the “Constitution-to-Community Bridge (C2CB)” underscores that constitutional norms must travel through institutions, processes, outcomes, and feedback loops before they can shape lived realities. The findings highlight recurrent design, capacity, procedural,

accountability, and trust gaps, but also demonstrate that targeted reforms—whether fast-track atrocity courts, paralegal networks, or campus anti-discrimination cells—can repair specific links in this chain.

In conclusion, making equality effective for Dalit communities requires a transformative constitutionalism that treats rights not as static declarations but as actionable mandates. The C2CB model provides both a diagnostic framework and a reform agenda: clarifying norms, resourcing institutions, redesigning processes, monitoring outcomes, and rebuilding community trust. While the analysis here focuses on caste-based discrimination, the model's logic is portable to other contexts of structural inequality, whether based on gender, religion, or disability. By operationalizing constitutional commitments as lived practices, India can move closer to the transformative promise envisioned by its framers.

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