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Article 17 of the Constitution

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Article 17 of the Constitution

Article 17 abolishes untouchability. It forbids the practice in any form. It also makes enforcing any disability from it an offence.

At a glance

Four key facts on this topic

01 **Art 17**Abolishes untouchability

02 **Part III**Right to Equality

03 **Private too**Binds private persons

04 **3 laws**1955, 1989 and 2013

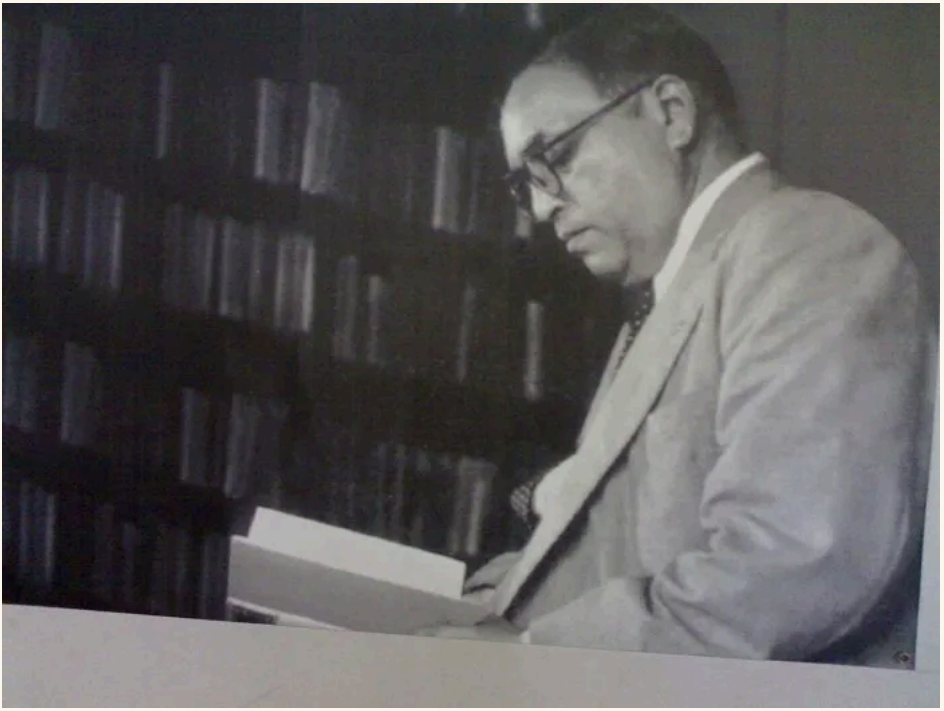
What the Article Says

1 What Article 17 Says

1.1 What does Article 17 say?

Article 17 **abolishes untouchability** and forbids its practice in any form. It adds a firm rule. Enforcing any **disability** that arises from untouchability is an **offence** punishable by law.

That last line matters. The Article does not only state a hope. It tells Parliament that the wrong must carry a penalty.



Dr B.R. Ambedkar, chair of the Drafting Committee, in his library. Photo: Wikimedia Commons, public domain.

1.2 Where does it sit in the Constitution?

It sits in **Part III**, the chapter on Fundamental Rights. It falls under the **Right to Equality**, with the other equality rights. The Supreme Court called it an **epoch-making declaration**.

1.3 Does the Constitution define untouchability?

No. The word is not defined anywhere in the text. Courts read it as the social practice of treating some people as impure because of birth in a caste.

8. **Think it through:** Why no definition? See answer ↓

Quick check 1. True or false: The Constitution carefully defines the word untouchability in Article 17. *(True or False?)* See answer ↓

Sources: cdnbbsr.s3waas.gov.in; indiankanoon.org

2 Why It Was Needed

2.1 Why was a special article needed?

Article 15 already bars discrimination on grounds like caste. But untouchability was more than ordinary discrimination. It was a system that pushed people out of daily life. So the framers gave it a **separate article**.

2.2 What did the Constituent Assembly debate?

On **29 November 1948** the Assembly took up this clause as draft Article 11. The draft made untouchability an **offence**, so that no one could discriminate on that ground. Members called the article **revolutionary in character**.

2.3 Who pushed for change before 1950?

The Supreme Court points to two earlier steps as the foundation. They were the **Poona Pact** and the **1934 Congress resolution** against untouchability.

- **Poona Pact**: an agreement on representation for the depressed classes.

- **1934 resolution**: the Congress took a stand against the practice.
- **Gandhi** used the word **Harijans**, meaning children of God, for those hit by untouchability.

> 9. **Think it through:** Why do exams like the Poona Pact link?
> See answer ↓

> **Quick check 2.** True or false: The Constituent Assembly debated this clause as draft Article 11. *(True or False?)* See answer ↓

Sources: constitutionofindia.net; indiankanoon.org

Who It Binds and the Laws

3 Who Is Bound

3.1 Is Article 17 only against the State?

No. Most Fundamental Rights bind only the State. Article 17 is different. It also binds **private persons**. So a landlord, a shopkeeper or a neighbour cannot practise untouchability.

3.2 Which court said so?

In **PUDR v. Union of India (1982)**, the Court held that Articles 17, 23 and 24 bind private persons. It added that the State must act when a private person breaks them. Article 23 protects against the State and against private citizens.

3.3 What is the Appa Balu Ingale case?

The case was decided on **1 December 1992**. The Court again treated Article 17 as a right against everyone. It also tied the Article to the Poona Pact and the 1934 resolution.

Who is bound?

Article	Subject	Binds private persons?
17	Abolition of untouchability	Yes
23	Ban on forced labour and trafficking	Yes
24	Ban on child labour in factories	Yes

As held in PUDR v. Union of India (1982).

> 10. **Think it through:** What does this mean in practice? See answer ↓

> **Quick check 3.** True or false: Article 17 can be enforced only against the State. *(True or False?)* See answer ↓

4 The Laws That Followed

4.1 Which law first put Article 17 to work?

The **Untouchability (Offences) Act, 1955** did. The Supreme Court says Article 17 was first implemented through this Act. In **1976** it was renamed the **Protection of Civil Rights Act**.

4.2 What was the punishment?

The 1955 Act set a jail term of **one to six months**. It also set a fine of **Rs 100 to Rs 500**. These were light penalties, which is why a stronger law followed.

4.3 What did the 1989 Act add?

The **SC/ST (Prevention of Atrocities) Act, 1989** went much further. It set up **Special Courts** for trial and relief. The 2015 amendment later added **Exclusive Special Courts**. It also set jail terms of **six months to five years**, plus a fine, for many atrocity offences.

Three laws at a glance

Law	Main idea
1955 Act	First law for Article 17; renamed in 1976
1989 Act	Atrocities against SC and ST; Special Courts
2013 Act	Bans manual scavenging; covered in a later card

Each law adds to the one before it.

> 11. **Think it through:** Why a second law in 1989? See answer ↓

> **Quick check 4.** True or false: The 1955 Act was renamed the Protection of Civil Rights Act in 1976. *(True or False?)* See answer ↓

Sources: indiacode.nic.in

5 Amendments and Section 18A

5.1 What changed in 2015?

An amendment came into force on **26 January 2016**. It added new offences to the 1989 Act.

- Garlanding a person with **chappals**.
- Abusing a person by **caste name** in public view.
- **Social boycott** of a community.

5.2 What was the 2018 controversy?

On **20 March 2018** the Court gave the **Kashinath Mahajan** judgment. Many people felt it weakened the Act. Parliament answered with a new amendment.

5.3 What did Parliament do?

The Lok Sabha passed the bill on **6 August 2018**. The Rajya Sabha passed it on **9 August 2018**. It added **Section 18A** to the Act.

- **No preliminary enquiry** is needed before an FIR is registered.
- **No approval** is needed for an arrest.
- **Section 438** of the Code, on anticipatory bail, does not apply.

5.4 Did the Supreme Court accept Section 18A?

Yes. In **Prithvi Raj Chauhan v. Union of India**, decided on 10 February 2020, the Court upheld the section. But it kept one safeguard. There is **no absolute bar** on anticipatory bail if no prima facie case is made out.

12. **Think it through:** Why this safeguard? See answer ↓

Quick check 5. True or false: Section 18A bars anticipatory bail in every case without exception. *(True or False?)* See answer ↓

Sources: pib.gov.in; api.sci.gov.in

Manual Scavenging

6

6.1 What is manual scavenging?

Under the 2013 Act, a manual scavenger is a person who cleans, carries or handles **human excreta** by hand. Examples include human excreta in an **insanitary latrine**, an open drain or pit, or on a railway

track. Other premises can be notified by the government. This work fell almost entirely on a few castes, so it is linked to untouchability.

6.2 What does the 2013 Act do?

The **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013** bans the practice. The Supreme Court says it does not dilute Article 17. It also says the Act acknowledges the Article 17 and Article 21 rights of sewer cleaners.

6.3 How are workers rehabilitated?

The Self Employment Scheme for Rehabilitation of Manual Scavengers (**SRMS**) gave help to those who left the work. All **58,098** identified manual scavengers got one-time cash assistance of **Rs 40,000**. The same document calls the scheme erstwhile.

- A **2013** and a **2018** survey identified the workers.
- Some got **skill training** and **capital subsidy** for bank loans.
- A mobile app, **Swachhata Abhiyaan**, was launched on 24 December 2020 to report insanitary latrines.

> 13. **Think it through:** Why does the 2013 Act cite Article 21? See answer ↓

> **Quick check 6.** True or false: The 2013 Act dilutes the protection given by Article 17. *(True or False?)* See answer ↓

Sources: indiacode.nic.in; indiankanoon.org; static.pib.gov.in

Exam Edge

7 Exam Traps to Avoid

7.1 What did the exams ask?

Asked before

PYQ 1 · UPSC CSP 2017, Q97

Which of the following are envisaged by the Right against Exploitation in the Constitution of India?

(a) 1, 2 and 4 only
(b) 2, 3 and 4 only
(c) 1 and 4 only
(d) 1, 2, 3 and 4

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Asked before

PYQ 2 · UPSC CSP 2016, Q16

'Rashtriya Garima Abhiyaan' is a national campaign to

(a) rehabilitate the homeless and destitute persons and provide them with suitable sources of livelihood

(b) release the sex workers from their practice and provide them with alternative sources of livelihood

(c) eradicate the practice of manual scavenging and rehabilitate the manual scavengers

(d) release the bonded labourers from their bondage and rehabilitate them

mcqquestion.com/articles/upsc-csp-2016-general-studies-paper-i-full-question-paper/#q16

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7.2 Which traps repeat?

Four traps appear again and again.

- Untouchability sits under the **Right to Equality**, not the Right against Exploitation.
- Article 17 does not give the right to use wells and ghats. That belongs to **Article 15(2)**.
- The Constitution gives **no definition** of untouchability.
- Articles **17, 23 and 24** bind private persons.

7.3 How do you answer fast?

Match each right to its Part III heading before you answer. Untouchability belongs with equality. Exploitation has Articles 23 and 24.

14. **Think it through:** How would you recall the laws? See answer ↓

Quick check 7. True or false: Abolition of untouchability falls under the Right against Exploitation. *(True or False?)* See answer ↓

Exam Practice

Remember this

- **Article 17:** Abolishes untouchability; enforcing a disability is an offence
- **Part III:** Right to Equality
- **Private persons:** Articles 17, 23 and 24 bind them
- **1955 and 1989:** Civil Rights Act and Atrocities Act
- **Section 18A:** Upheld in 2020 with a prima facie safeguard
- **2013 Act:** Bans manual scavenging

Explain it back: Why does Article 17 bind private persons, and what laws put it to work?

Practice MCQs

1. Which Indian constitutional provision reflects the evolution of ethical standards by abolishing untouchability?

A. Article 14

B. Article 17

C. Article 21

D. Article 32

See answer ↓

2. Article 17 of the Constitution specifically addresses the abolition of?

A. Untouchability

B. Slavery

C. Human trafficking

D. Child labour

See answer ↓

3. What does the Self Employment Scheme for Rehabilitation of Manual Scavengers do?

A. Supports manual scavengers in transitioning to alternative, dignified livelihoods

B. Funds highway toll booth construction

C. Provides free housing to all central government employees

D. Regulates India's telecommunications industry

See answer ↓

4. Which Article of the Constitution abolishes 'untouchability' and forbids its practice in any form?

A. Article 15

B. Article 16

C. Article 17

D. Article 46

See answer ↓

5. Central Assistance for implementing the SC/ST (Prevention of Atrocities) Act and the Protection of Civil Rights Act is released to states under what kind of scheme?

A. A Centrally Sponsored Scheme

B. A fully state-funded scheme

C. A World Bank-funded scheme

D. A one-time relief grant

See answer ↓

6. Under India's 2013 Act, a 'manual scavenger' is a person employed to do what?

A. Supervise sanitation workers on government contracts

B. Clean septic tanks using full protective safety equipment

C. Operate machinery for municipal solid waste collection

D. Clean, carry, or dispose of human excreta from an insanitary latrine, open drain, or pit

See answer ↓

7. Which law banned manual scavenging outright in India, also banning the construction of insanitary latrines?

A. Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

B. National Commission for Safai Karamcharis Act, 1993

C. NAMASTE Scheme, 2023

D. Employees' State Insurance Act, 1948

See answer ↓

8. How does the twin-pit toilet design eliminate the need for manual scavenging?

A. Waste alternates between two pits, decomposing safely on its own over about two years

B. It requires a technician to empty it monthly

C. It burns waste automatically using solar heat

D. It pipes waste directly into a river for dilution

See answer ↓

Answer Key

1. **B.** Article 17. Article 17 says untouchability is abolished and its practice in any form is forbidden. Enforcing any disability from it is an offence. The Supreme Court called it an epoch-making declaration. Article 14 is equality before law, Article 21 is life and liberty, and Article 32 is the right to constitutional remedies. ↑ Q1
2. **A.** untouchability. Article 17 says untouchability is abolished and its practice in any form is forbidden. Enforcing any disability from it is an offence. The Constituent Assembly made it an offence in draft Article 11, so no one can discriminate on that ground. ↑ Q2
3. **A.** The scheme helps manual scavengers move to other work. Every one of 58,098 identified manual scavengers got one-time cash assistance of Rs 40,000, and some got skill training and capital subsidy. PIB now calls the scheme erstwhile. ↑ Q3
4. **C.** Article 17. Article 17 says untouchability is abolished and its practice in any form is forbidden. Enforcing any disability from it is an offence. Articles 15 and 16 deal with discrimination and public jobs. Article 46 is a directive principle. ↑ Q4
5. **A.** Both the Protection of Civil Rights Act and the Atrocities Act exist to give effect to Article 17. The Atrocities Act set up Exclusive Special Courts for trial and relief, and the 2015 amendment came into force on 26 January 2016. ↑ Q5
6. **D.** clean, carry or dispose of human excreta from an insanitary latrine, open drain or pit. The Act defines a manual scavenger as a person manually cleaning, carrying or otherwise handling such excreta. The Supreme Court says the Act acknowledges the Article 17 and 21 rights of sewer cleaners. ↑ Q6
7. **A.** the 2013 Act. It defines manual scavenging and bans it. The Supreme Court says the Act does not dilute Article 17. It acknowledges the Article 17 and 21 rights of sewer cleaners. ↑ Q7
8. **A.** Manual scavenging means a person handling human excreta from an insanitary latrine or pit by hand. A latrine design that keeps raw waste away from people leaves no such work to do. That is the aim of the 2013 Act and of the SRMS rehabilitation scheme. ↑ Q8

Quick-check answers

1. **False.** The word is left undefined, so the ban stays wide. ↑ 1
2. **True.** It reached the Assembly on 29 November 1948 under that number. ↑ 2
3. **False.** It also binds private persons, as the Court held. ↑ 3
4. **True.** The renaming came 21 years after the original law. ↑ 4
5. **False.** The Court said there is no absolute bar if no prima facie case is made out. ↑ 5
6. **False.** The Court says it does not dilute Article 17. ↑ 6
7. **False.** It falls under the Right to Equality. ↑ 7
8. **Think it through.** The framers wanted the ban to be wide. A narrow definition could have let new forms of the practice slip past it. ↑ 8
9. **Think it through.** The Court itself names it as a foundation of Article 17. So the Pact is a real background fact, not trivia. ↑ 9
10. **Think it through.** A victim need not prove the State did the wrong. A private act of untouchability is already a breach of Article 17. ↑ 10
11. **Think it through.** The 1955 penalties were small and trials were slow. The 1989 Act added Special Courts and heavier punishment. ↑ 11
12. **Think it through.** A court can still stop a clearly false complaint. So the Act stays strong, and an innocent person is not left without any remedy. ↑ 12
13. **Think it through.** Cleaning waste by hand harms health and dignity. Dignity is part of the right to life, so the Court links the two Articles. ↑ 13
14. **Think it through.** Think of three dates: 1955 for the first law, 1989 for atrocities and 2013 for manual scavenging. ↑ 14

Previous year answers

1. **(c) 1 and 4 only** Trafficking/forced labour and child labour in factories/mines fall under the Right against Exploitation (Arts. 23-24). Untouchability is abolished under the Right to Equality (Art. 17), and minority protection sits under Cultural and Educational Rights (Arts. 29-30) — neither belongs to the Right against Exploitation.
2. **(c) eradicate the practice of manual scavenging and rehabilitate the manual scavengers** Rashtriya Garima Abhiyaan targets the eradication of manual scavenging and the rehabilitation of manual scavengers, alongside the 2013 Act's own legal ban on the practice.

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