

Constitution of India Art 17 - Abolition of Untouchability

“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.

SYNOPSIS

Cited in Sankaranarayanan 2017

The law referred in Article 17 is the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Nature & Scope—Article 17 signifies the vision of the founding fathers of the Constitution of liberating society from blind adherence to traditional superstitious beliefs bereft of reason and rational basis, *N. Adithayan v. Travancore Devaswom Board*, (2002) 8 SCC 106.

Discrimination on the basis of Caste—There should be no discrimination between persons when it comes to gaining entry into a Hindu temple regardless of the caste of the person. A temple is for the purpose of worship to the Hindu public in general and such discrimination shall be hit by Article 17 of the Constitution. *Sri Venkataramana Devaru v. State of Mysore*, AIR 1958 SC 255.

Personal Laws—Personal laws of parties are not affected by Article 17 of Part III of the Constitutions. *Shri Krishna Singh v. Mathura Ahir*, (1981) 3 SCC 689.

Applicability—Rights granted under Article 17 are enforceable under Article 32 not only against the State but against any other private party violating those fundamental rights as well. People’s

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Union for Democratic Rights v. Union of India, (1982) 3 SCC  
235.

Abolition of Untouchability—the existence and practice of untouchability in this country and the efforts made for its eradication during the past several decades are matters of common knowledge and can be taken judicial notice of. The framers of the Constitution dealt with this feature in Article 17, which in their view constituted a blot on Indian Society, in two ways. They provided for withholding legal recognition to this form of social discrimination and for punishing such discrimination as an offence, *devarajiah v. B. Padmanna*, 1957 SCC OnLine Kar 16: AIR 1958 Mys 84.