
(2001) 03 AHC CK 0060

In the Allahabad High Court

Case No : Criminal Miscellaneous Writ Petition No. 1187 of 2001

Ajai Kumar and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 12-03-2001

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 323, 504, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)X

Citation : (2001) 03 AHC CK 0060

Hon'ble Judges : M.Katju, J and Onkareshwar Bhatt, J

Final Decision : Disposed Of

Judgement

1. This writ petition has been filed against the F.I.R. dated 8112000, filed by respondent No. 3 who is a Pasi by caste, which has been registered as case crime No. 145 of 2000, under Sections 323/504 and 506 I.P.C. read with Section 3(1)X of the S.C./S.T. Act, Police Station Charwa, District Kaushambi, a true copy of the F.I.R. has been filed as Annexure 2 to the petition.

2. A perusal of the F.I.R. shows that the allegations therein are that the petitioners who are Brahmins by caste came with rifles and lathis to the house of respondent No. 3 which is in Harijan, Basti and gave him filthy abuses by saying :

Hindi

3. It is further alleged in the F.I.R. that the said accused beat up the brother and nephew of respondent No. 3 with the butt of a gun and kicks and fist blows. They have also threatened to kill the family members of the respondent No. 3.

4. It is deeply regrettable that in this age of democracy some people have still feudal mentality and treat the so-called lower castes as inferior and as their bonded labour, and compel them to do begar. Begari has in fact been specifically prohibited by Article 23 (1) of the Constitution of India, which reads as under:

"23. Prohibition of traffic in human beings and forced labour: (1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

5. Thus the Constitution specifically provides that no one can be forced to work against his will. Begar or forced labour is a feudal practice which must be condemned today.

6. The attitude of some persons belonging to the so-called upper castes in treating the Harijans as inferior must be deprecated as uncivilized and feudal. This kind of attitude cannot be tolerated in this age of democracy as everybody is regarded as equal in the modern age. As pointed out by this Court in *Shanker v. State* in writ petition No. 888 of 2000, decided on 13/2/2001, the caste system, which is a feudal institution, is totally outmoded today and must be destroyed quickly. The attitude of so-called "superior" castes of looking down on inferior castes will not now be tolerated since equality has been specifically provided for in Articles 14 to 18 of the Constitution of India. The petitioners should change their mentality very quickly otherwise they will face serious trouble.

7. The bail application of the petitioners will be disposed of by the Court concerned expeditiously.

8. Any observations made in this judgment will not influence the Court in deciding the bail application or the trial.