
(2002) 08 AHC CK 0025
In the Allahabad High Court
Case No : Writ Petition No. 4302 of 2002

Balkeshwar Maurya and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 07-08-2002

Acts Referred:

Constitution of India, 1950 — Article 23
Penal Code, 1860 (IPC) — Section 147, 148, 308, 323, 504
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)

Citation : (2002) CriLJ 4565

Hon'ble Judges : M. Katju, J;K.N. Sinha, J

Bench : Division Bench

Advocate : L.K. Pandey, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner and learned Government Counsel.
2. The petitioner is challenging the impugned F.I.R. dated 4-7-2002. Annexure 4 to the writ petition under Sections 147/148/323/504/506/308, I.P.C. and 3(1)(X) SC/ST Act of P. S. Phulpur, District Allahabad.
3. A perusal of the impugned F.I.R. shows that the allegations therein are that at about 4 a.m. on 11-5-2002 the first informant who is "pasi" by caste was sleeping outside his house when the petitioners who are mostly Brahmans by caste came there and woke up the first informant and took him away and on the way started beating him with lathis and abusing him. The first informant became unconscious and fell down due to these beatings. The petitioners abused the first informant saying that he was "pasi" by caste and yet he is not doing "Begari" for the petitioners. Due to this beating the right hand of the first informant is still not functioning. The first informant tried to lodge F.I.R. at the police station but the police did not lodge it for a long time.

4. The caste system is a curse on Indian society and because of this our nation has not been able to progress much. We are not Indians today, rather we are Brahmans, Thakurs, Yadavs, Muslims, Harijans etc. i.e. divided on caste and communal lines. Unless the caste system is destroyed we cannot unite and our nation cannot progress. Hence, the caste system is an enemy of our nation. Out of the six petitioners five of them are Brahmins and they behaved in a barbaric manner by insisting that the first informant who is "pasi" by caste must do "begari" for them otherwise he will be beaten up. Begari has been specifically prohibited by Article 23 of the Constitution. It is nothing but a form of slavery. This is the age of democracy and if the so-called upper castes think that they can force the so-called lower castes to do whatever they want the time has come that they must be made to change their thinking completely, as this kind of thinking is feudal and backward and can no longer be tolerated.

5. There is no doubt that some persons among the so-called upper castes look upon the Harijans as inferior. This just shows that many of the so-called upper caste people are backward feudal minded persons who have no understanding of modern society. The so-called upper caste must change their mind now because we are living in a democratic society where sweeping revolutionary changes are taking place and the country's aim and object has to be to form a modern democratic society, in which all persons are treated as equals.

6. The petitioners in this case have behaved in an abominable manner. There is no force in this petition and it is dismissed. However, the petitioners' bail application will be decided expeditiously by the Court concerned without being influenced by the above observations.