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**Title of Paper** - From Stigma to Sovereignty: Assessing the Impact of Sukanya Shantha (2024) on the Dignity of Bedia Women in Madhya Pradesh

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### **Abstract**

The Criminal Tribes Act of 1871 has had a lasting impact on the history of the Bedia Tribe of Madhya Pradesh. The label of “Criminality” endured despite the tribe’s official de-notification in 1952 due to systematic administrative bias and biased enforcement, resulting in an ongoing state of monitoring. Under the Immoral Traffic (Prevention) Act, traditional and cultural manifestation like the Rai Dance is often confused with commercial sexual exploitation, creating a unique intersection of vulnerabilities for Bedia Women. This socio-legal marginalization is acutely gendered. The historic Supreme Court judgement in *Sukanya Shantha v. Union of India*, which invalidated caste-based discriminatory clauses in prison

manuals and denounced the "habitual offender" stereotype frequently applied to Denotified Tribes (DNTs), is examined in this paper for its revolutionary potential.

This study will examine how the Constitutional Morality and the Right to Dignity as guaranteed under Art. 21 of Indian Constitution in Sukanya Shantha can be used to combat the extrajudicial stigmatization of Bedia Women using a socio-legal methodology. The report contends that the ruling gives Madhya Pradesh's state police manuals and administrative structures, which still enable arbitrary detention and social discrimination, the requisite judicial mandate to audit them. The study also examines the transition from "protectionist" state interventions to a "sovereignty-based" strategy, arguing that Bedia women should be seen as holders of substantive rights rather than as targets of official surveillance. In order to ensure that the promise of article 14, 15, and 17 reaches the most unseen edges of the Indian Tribal Terran, the research will conclude with a plea for legislative reform that harmonizes local governance with the Supreme Court's vision of an egalitarian social order.

**Key Words:** Bedia Tribe, Sukanya Shantha (2024), Denotified Tribes (DNT), Constitutional Dignity, Madhya Pradesh, Article 21.

### **1. Introduction: The Architecture of Stigma**

The history of Madhya Pradesh's Bedia people is deeply ingrained in the country's periphery. Under the Criminal Tribes Act of 1871, the British Raj classified the Bedias as "hereditary criminals," subjecting them to a system of continual surveillance and geographic confinement. Even after the Act was repealed in 1952, the change from "Criminal" to "De-notified" (DNT) was more linguistic than sociological. For the Bedia women living in the Gwalior, Sagar, and Morena belts, this tradition is specifically gendered. As practitioners of hereditary sex work and performers of the traditional Rai dance, they have long inhabited a contradictory position where they are both the main sources of income for their families and the main targets of state-sanctioned moral policing.

For many years, Bedia women's dignity has been undermined by a "presumption of criminality." This is a structural bias that is ingrained in the fundamental guidelines that control the state's most oppressive establishments, rather than just a social one. Like many other prison manuals in India, the Madhya Pradesh Prison Manual entrenched caste-based discrimination by designating those from DNT backgrounds as "habitual offenders" by birth and giving them menial or "unclean" chores. Because of this institutional dehumanization, a Bedia woman who

sought legal protection was confronted with the stare of a state that saw her through the prism of colonial-era sickness.

### **1.1.The 2024 Catalyst: Sukanya Shantha vs. Union of India**

With the Supreme Court's historic decision in *Sukanya Shantha v. Union of India* in 2024, this terrain underwent a seismic change. The case, which was the result of journalist Sukanya Shantha's diligent research, contested the validity of caste-based work and segregation in Indian prisons. In addition to reforming the criminal justice system, the Court's decision to overturn these antiquated regulations served as a potent critique of the "caste-logic" that guides the Indian government's treatment of disadvantaged groups.

This assessment is centered around this judgment. The judicial triumph has significant ramifications for the sovereignty of Bedia women, even if it began in the context of prison reform. In this sense, sovereignty means reclaiming one's right to bodily autonomy and to live free from the oppressive shadow of "inherited criminality."

### **1.2.Scope of the Assessment**

This paper assesses the impact of the 2024 legal developments through three critical lenses:

- i. **Legal De-Stigmatization:** How the legal "blueprint" that harasses Bedia women on a daily basis is destroyed by the removal of discriminatory jail manual rules.
- ii. **Socio-Economic Sovereignty:** The degree to which Bedia women are able to negotiate their roles both inside and outside of traditional sex labor and the Rai dance due to legal acknowledgment of dignity.
- iii. **Constitutional Morality vs. Public Morality:** Examining the conflict between the progressive position of the Supreme Court and the ongoing "public stigma" that keeps Bedia colonies in Madhya Pradesh at the margins.

In the end, this research contends that Sukanya Shantha's involvement in 2024 signifies a shift from "permanent suspicion" to "constitutional recognition." It investigates whether the "sovereignty" that the highest court has promised can break through the profoundly ingrained social hierarchies of rural Madhya Pradesh and provide Bedia women with a future that is determined by their own choices rather than by the legacy of colonialism.

## 2. The Historical "Shadow": Legislated Prejudice and the Colonial Ghost

The Bedia community of Madhya Pradesh has been stigmatized for a long time, and generations of marginalization and isolation have undermined their dignity. We are reminded of the historical shadows that still influence Bedia women's lives as we examine how Sukanya Shantha's art (2024) affects their dignity. The Bedia community has been subjected to a narrative of "otherness" from colonial-era laws to post-independence policies, which has continued their marginalization in society. Let's look at the historical shadows that have shaped the Bedia experience and how Sukanya Shantha's work challenges these narratives to restore Bedia women's sovereignty and dignity.

### 2.1. The Genealogy of Suspicion: From Colonial Criminality to Post-Colonial Continuity

The Bedia community's marginalization needs to be understood in the context of what could be called the colonial genealogy of mistrust. The Criminal Tribes Act, 1871 (CTA) made existence illegal rather than just behavior. The British colonial state reversed the fundamental liberal presumption of innocence and substituted a philosophy of hereditary criminality by legally classifying entire tribes as "addicted to the systematic commission of non-bailable offences.<sup>1</sup>

A revenue-centric colonial government that favoured sedentary, agrarian inhabitants saw the Bedia, along with a number of nomadic and semi-nomadic groups, as administratively inconvenient. Mobility started to raise suspicions. Instead of preventing crime, the CTA's surveillance measures—mandatory registration, movement limitations, roll calls, and forceful settlements—served as tools of social control.<sup>2</sup>

This epistemology was not destroyed in 1947 with independence. The implementation of state-level Habitual Offenders Acts (HOAs) guaranteed substantive continuity even after the CTA was officially repealed in 1952 and communities were "de-notified".<sup>3</sup> The same discretionary police powers were replicated under a different semantic record in Madhya Pradesh through the Habitual Offenders Act.

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<sup>1</sup> Criminal Tribes Act, No. 27 of 1871 (India) (repealed 1952), reprinted in *Select Legislative Acts of the Governor-General of India*.

<sup>2</sup> Mark Brown, *Penal Power and Colonial Rule* 143–47 (Routledge 2014).

<sup>3</sup> Madhya Pradesh Habitual Offenders Act, No. 19 of 1959 (India).

Suspicion stemmed from communal identification rather than personal behavior, according to the same classificatory logic. Transgenerational trauma, a state where historical illegality becomes socially inherited and shapes how institutions engage with present generations, is what academics refer to as the legal afterlife of colonialism.<sup>4</sup> For the Bedia, citizenship has remained conditional, mediated not by constitutional entitlement but by police verification.

## 2.2.The Rai and the State Gaze: Gender, Culture, and Moral Criminalization

Bedia women are in a much more vulnerable position at the nexus of caste, gender, and morality than Bedia men, who face preconceptions of violent crime or stealing. The Rai dance, a complex folk performance style of the Bundelkhand region that was supported by princely courts and ingrained in local culture, was traditionally preserved by Bedia women<sup>5</sup>.

However, important boundaries between cultural performance, economic survival, and sexual immorality were dismantled by colonial ethnography and post-colonial police. Once a representation of creative brilliance, the Rai was reinvented as a symbol of deviation and vagrancy. This change reflects what feminist criminologists refer to as the "sexualization of surveillance," in which women from underrepresented groups are policed not just for breaking the law but also for transgressing prevailing moral standards entitlement"<sup>6</sup>. This shows up in three interconnected practices in modern Madhya Pradesh:

- i. **Confusion of Livelihood and Criminality:** Despite the lack of trafficking evidence, police raids on Rai performances are frequently justified by nebulous allegations of immoral behavior or public annoyance.
- ii. **Bodily Surveillance:** Bedia women are disproportionately arrested under the Immoral Traffic (Prevention) Act, 1956 (ITPA), frequently without the legally mandated evidential criteria<sup>7</sup>.
- iii. **Denial of Agency:** The state eliminates the possibility of consent, choice, or artistic work by characterizing their customary livelihood as presumptively exploitative, putting women into a cycle where survival itself becomes proof of criminality. This gendered criminalization turns identity into proof and culture into illegal goods.

<sup>4</sup> Meena Radhakrishna, *Dishonoured by History: "Criminal Tribes" and British Colonial Policy 201–05* (Orient BlackSwan 2001).

<sup>5</sup> Badri Narayan, *Women Heroes and Dalit Assertion in North India* 88–91 (Sage 2006).

<sup>6</sup> Ratna Kapur, *Gender, Alterity and Human Rights* 112–15 (Edward Elgar 2018).

<sup>7</sup> Immoral Traffic (Prevention) Act, No. 104 of 1956, §§ 7–8 (India).

### **2.3.The 2024 Turning Point: *Sukanya Shantha v. Union of India* and the Jurisprudence of Dignity**

The Supreme Court's ruling in *Sukanya Shantha v. Union of India* (2024) represents a significant departure from this inherent reasoning in jurisprudence<sup>8</sup>. The Court's logic has significant ramifications for de-notified tribes, especially Bedia women, even though the immediate issue was caste-based task distribution in prison manuals.

The Court held that any state action that allocates position, work, or suspicion based on birth breaches constitutional morals, citing Articles 14, 15, and 21. The administrative practice of adopting community identity as a stand-in for character or inclination was clearly rejected by the ruling.

Importantly, the Court reinterpreted dignity under Article 21 as an active constitutional constraint on governmental perception rather than as a passive entitlement. The Court tacitly undermined police history sheets, surveillance registers, and moral policing tactics that target DNT populations by acknowledging caste-based profiling as a structural constitutional violation.

The ruling challenges the legal language that has traditionally permitted the state to confuse criminality, sexuality, and gender for Bedia women. It offers a theoretical foundation for contesting arbitrary raids, preventive detention, and the frequent application of the ITPA without specific evidence.

### **2.4.From Administrative Apartheid to Sovereignty: Assessing Post-2024 Possibilities**

*Sukanya Shantha's* transformational potential is found in its ability to end what could be called administrative apartheid, a system in which equality is denied in practice but exists in theory. This calls for structural implementation in three areas for Madhya Pradesh's Bedia settlements:

- i. **Policing Reform:** Revisions to history-sheet procedures, police manuals, and "area domination" tactics based on community profiling must be made mandatory.
- ii. **Cultural Recognition:** The Rai are legally recognized as intangible cultural heritage, shielding performers from criminal suspicion and moral policing.

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<sup>8</sup> *Sukanya Shantha v. Union of India*, 2024 INSC 753

- iii. **Citizenship Reorientation:** A change from welfare-based paternalism to rights-based governance, in which Bedia women interact with the government as citizens with rights rather than as targets of change.

True sovereignty for Bedia women will emerge not merely through judicial declarations, but through the everyday transformation of how the state *sees* them. The constitutional project remains incomplete until the presumption of guilt is replaced with a presumption of citizenship.

### **3. Judicial Analysis: *Sukanya Shantha v. Union of India (2024)***

Justice doesn't stop for advancement. The Supreme Court makes a daring move in *Sukanya Shantha v. Union of India (2024)* to end institutionalized caste-based discrimination in Indian jails. This historic ruling acknowledges equality, decency, and the strength of group effort in addition to being a legal triumph. Let's examine the court's logic and how it affects India's legal system.

#### **3.1. The Death of the “Born Criminal” Doctrine**

The Supreme Court's clear rejection of the theory of hereditary crime in *Sukanya Shantha v. Union of India* has the most significant ramifications<sup>9</sup>. The Court acknowledged that the Criminal Tribes Act, 1871's basic logic—treating criminality as a product of birth rather than conduct—continued to influence modern state procedures through police records, prison manuals, and unofficial bureaucratic norms even after it was repealed in 1952.

The Court examined state prison guidelines, including those that apply in Madhya Pradesh, and discovered both explicit and implicit classifications that identified members of "wandering," "denotified," or "criminal" tribes as being more likely to steal, escape, or lack discipline<sup>10</sup>. These classifications were based solely on communal identity and did not use individualized assessment. According to the Court, this kind of labeling is incompatible with constitutional administration because it is based on colonial caste reasoning.

##### **3.1.1. Striking Down Community-Based Criminality**

The Court declared unequivocally that it is against Articles 14, 15, and 21 of the Constitution to label a whole community as "habitual offenders" in the absence of specific evidence.<sup>11</sup> The

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<sup>9</sup> Ibid. Available at: <https://indiankanoon.org/doc/137753759/>

<sup>10</sup> Id. ¶¶ 34–41.

<sup>11</sup> Id. ¶¶ 52–58.

Court stressed that criminal law is based on individual responsibility rather than suspicion. It is unconstitutional for any administrative procedure to perpetuate guilt based on a group.

The Court overturned regulations that separated inmates from de-notified tribes and ordered the removal of caste and community identifiers from prisoner records as a corrective remedy<sup>12</sup>. The administrative framework that previously permitted the state to use identity as proof is dismantled by this intervention.

### **3.1.2. Implications for the Bedia Community**

For the Bedia community of Madhya Pradesh, and particularly for Bedia women, this ruling disrupts the routine reliance on name-based suspicion. Police practices that justify raids on Bedia settlements or heightened surveillance merely because of community affiliation lose their constitutional footing. The judgment mandates a fundamental shift: **the state must now encounter a Bedia woman as a citizen first, not as a subject of inherited suspicion.**

## **3.2. From Formal to Substantive Equality: A Clustered Constitutional Approach**

The Court's shift from formal equality to a concept of substantive equality—achieved by interpreting Articles 14, 15, 17, and 21 as an integrated constitutional cluster preserving what the Court referred to as the dignity of identity—is a defining characteristic of *Sukanya Shantha*<sup>13</sup>.

### **3.2.1. Article 15: Indirect Discrimination and the Mask of Neutrality**

The Court rejected the notion that discrimination must be explicit in order to be illegal when interpreting Article 15. It supported the theory of indirect discrimination, pointing out that contemporary caste practices frequently use administrative terminology that seems neutral, like "menial tasks" or "communities accustomed to certain work."<sup>14</sup>

The Court ruled that a policy that disproportionately punishes historically marginalized communities cannot be protected by facial neutrality. The constitutional ban on discrimination is violated when a neutral norm serves as a stand-in for caste.

#### **3.2.1.1. Implications for Bedia Women**

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<sup>12</sup> Id. ¶¶ 60–63.

<sup>13</sup> Id. ¶¶ 69–72.

<sup>14</sup> Id. ¶¶ 76–80.

The regulation of Rai dancers under neutral names like "vagrancy," "immorality," or "public nuisance" is directly challenged by this logic. According to Article 15, these categories constitute indirect discrimination if they are demonstrated to function as instruments of caste and gender-based targeting. The state may no longer use moral language to justify caste abuse after Sukanya Shantha.

### **3.2.2. Article 17: Labor, Degradation, and Modern Untouchability**

By connecting labour distribution to untouchability, the Court broadened the application of Article 17 in one of its most dramatic doctrinal decisions. It concluded that, even in the absence of ritual exclusion, forcing marginalized communities to perform dehumanizing or stigmatizing labour while saving dignified tasks for others amounts to a modern type of untouchability.<sup>15</sup>

The link between caste, labour, and dignity is constitutionalized in this interpretation. The Court explained that untouchability is not limited to physical segregation; it can also take the form of enforced professional stigma.

#### **3.2.2.1. Reframing the Bedia Woman's Experience**

The Bedia woman's historical affiliation with sex labour or "vulgar" performance is substantially changed by this ideological shift. The state runs the danger of breaking Article 17 if it enforces or maintains this dehumanizing character through enforcement tactics or regulatory neglect. The problem is now a constitutional violation rather than just a social or cultural one.

### **3.2.3. Article 21: The Right to Overcome Prejudice**

The Court's interpretation of Article 21 is a significant development in the field of dignity jurisprudence. It concluded that the right to life encompasses the freedom from inherited stigma in addition to physical liberty and procedural justice.<sup>16</sup>

#### **3.2.3.1. Dignity of Identity**

Every person has the right to overcome the biases associated with their birth, according to the ruling, which establishes a fresh fundamental norm. According to this definition, dignity is

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<sup>15</sup> Id. ¶¶ 83–89.

<sup>16</sup> Id. ¶¶ 94–98.

relational and proactive. Instead of trapping people in their past reputations, it calls on the state to provide them the opportunity to change.

This corresponds to a Bedia woman's constitutional right to be free from the "reputed" criminal or immoral past of her society. The right to a clean administrative identity free from caste memory is part of her dignity. This broader interpretation of Article 21 must now be used to evaluate police history sheets, surveillance logs, and reputational profiling.

When considered collectively, *Sukanya Shantha v. Union of India* demolishes the legal framework that has applied to de-notified tribes since colonial times. It substitutes citizenship for suspicion, personal dignity for birth-based stigma, and constitutional accountability for administrative ease. The ruling provides Bedia women with a legal route to control over their bodies, work, and identities rather than symbolic acknowledgment.

#### **4. The Bedia Context in Madhya Pradesh: Surveillance, Culture, and Structural Stigma**

The lived reality of the Bedia minority in Madhya Pradesh, where colonial categories of suspicion continue to influence day-to-day government, must be weighed against the constitutional advancements outlined in *Sukanya Shantha v. Union of India*. The Bedias are still involved in policing structures that replicate the logic of the Criminal Tribes Act through administrative practice rather than legislation, even after formal de-notification.

##### **4.1. Police Surveillance and the Persistence of the “Habitual Offender” Mindset**

The Madhya Pradesh Habitual Offenders Act, 1959, which gives the police broad discretionary powers to monitor people and communities designated "habitual," is one way that the legacy of the Criminal Tribes Act is still in place in Madhya Pradesh<sup>17</sup>. The Act functions in practice through community-based suspicion, especially against de-notified tribes like the Bedia, despite its conduct-based wording.

Regular procedures including informal watch lists, settlement-level raids, and preventative detention during investigations of unrelated offenses are documented by empirical research and fact-finding reports<sup>18</sup>. This surveillance takes a unique form for women. Their public presence,

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<sup>17</sup> Madhya Pradesh Habitual Offenders Act, No. 19 of 1959 (India).

<sup>18</sup> Nat'l Comm'n for Denotified, Nomadic & Semi-Nomadic Tribes, *Report on Issues Relating to DNTs* 45–52 (2008), [https://tribal.nic.in/downloads/Statistics/NC\\_DNT\\_Report.pdf](https://tribal.nic.in/downloads/Statistics/NC_DNT_Report.pdf)

economic activity, and mobility are frequently seen as signs of deviance, which can result in intimidation, incarceration, or inquiry in the absence of specific proof.

In *Sukanya Shantha*, the Supreme Court categorically denounced this way of thinking, ruling that classifying entire populations as "habitual offenders" breaches Articles 14 and 21 of the Constitution and revives colonial caste logic<sup>19</sup>. However, there is still a disconnect between administrative reality and constitutional philosophy in Madhya Pradesh due to the inconsistent application of this duty in day-to-day policing.

#### **4.2. The Rai Dance and the Immoral Traffic (Prevention) Act: Culture Criminalized**

One of the most obvious examples of gendered criminalization is the conflict between the cultural practices of Bedia women and the Immoral Traffic (Prevention) Act, 1956 (ITPA)<sup>20</sup>. In the past, the Rai dance served as a legitimate folk performance and source of income in the Bundelkhand area. However, post-colonial policing and colonial ethnography reinterpreted this creative form as immoral.

Law enforcement in modern Madhya Pradesh frequently uses Sections 7 and 8 of the ITPA to defend raids on Rai performances, frequently in the absence of proof of coercion, human trafficking, or the presence of minors<sup>21</sup>. This practice is a reflection of a larger institutional inability to separate human trafficking, consensual adult sex work, and cultural performance into a single moralized category of deviance.

The outcome is a contradictory regulatory framework: although the ITPA claims to shield women from exploitation, its implementation often deprives Bedia women of autonomy, criminalizes their means of subsistence, and makes their cultural identity legally vulnerable<sup>22</sup>. Such enforcement techniques create significant constitutional problems in light of *Sukanya Shantha*, especially when neutral statutory language serves as a stand-in for targeting based on gender and caste.<sup>23</sup>

#### **4.3. Socio-Economic Barriers and the Reproduction of Marginality**

The Bedia community's stigma acts as a structural impediment to work, education, and state welfare. De-notified tribes continually have disproportionately low literacy rates, high dropout

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<sup>19</sup> *Supra* Note 8 ¶¶ 52–58

<sup>20</sup> Immoral Traffic (Prevention) Act, No. 104 of 1956 (India).

<sup>21</sup> *Id.* §§ 7–8.

<sup>22</sup> Meena Radhakrishna, *Dishonoured by History: "Criminal Tribes" and British Colonial Policy 201–05* (Orient BlackSwan 2001).

<sup>23</sup> *Supra* Note 8 ¶¶ 76–80.

rates, and restricted access to formal jobs, according to government reports and sociological studies.<sup>24</sup>

#### 4.3.1. Education

Due to early economic pressure to contribute to household income, instructor bias, and societal categorization, Bedia girls experience compounding exclusion within educational institutions<sup>25</sup>. Intergenerational marginalization is further exacerbated by the belief that education will not result in social mobility.

#### 4.3.2. Employment and Livelihoods

Because stigma follows identity, attempts to move Bedia women into other occupations frequently fall short. State rehabilitation programs continue to be disjointed and poorly executed, and employers are still hesitant to hire women from neighbourhoods that have historically been labelled as "criminal" or "immoral."<sup>26</sup> The exact assumptions that are used to support their monitoring are reinforced by this exclusion, which forces women back into informal or stigmatized employment.

#### 4.3.3. Access to Welfare and Citizenship

Regular encounters with law enforcement and administrative officials also deter Bedia women from utilizing welfare programs. Community profiling is frequently used in verification procedures, which exacerbates mistrust and alienation<sup>27</sup>. In this setting, citizenship is perceived as being subject to evaluation rather than as an entitlement.

### 4.4. Stigma as a Mode of Governance

When considered collectively, these processes show stigma as a style of governance that influences the distribution of opportunities, the enforcement of the law, and cultural interpretations rather than as a lingering social prejudice. Rather than being the result of

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<sup>24</sup> Ministry of Social Justice & Empowerment, *Report of the Renke Commission on DNTs* 63–71 (2008), <https://socialjustice.gov.in/writereaddata/UploadFile/RenkeCommissionReport.pdf>

<sup>25</sup> Virginius Xaxa, *Marginality and Exclusion of De-Notified Tribes*, 42 Econ. & Pol. Wkly. 3452, 3455–56 (2007), <https://www.epw.in/journal/2007/34/special-articles/marginality-and-exclusion-denotified-tribes.html>

<sup>26</sup> Nat'l Crime Records Bureau, *Prison Statistics India 2022* 34–36 (2023), <https://ncrb.gov.in/en/prison-statistics-india>

<sup>27</sup> Ministry of Tribal Affairs, *Scheme Guidelines for Socio-Economic Development of DNTs* (2021), <https://tribal.nic.in>

extraordinary maltreatment, the marginalization of the Bedia woman is caused by everyday administrative actions.

By upholding the dignity of identity and rejecting suspicion based on community, Sukanya Shantha's (2024) jurisprudence provides a constitutional framework to overthrow this system<sup>28</sup>. Madhya Pradesh's ability to full-fulfill this promise will depend on the state's readiness to change its approach to law enforcement, rethink cultural regulations, and substitute citizenship for surveillance.

## 5. Bridging the Gap: Applying the Judgment

Sukanya Shantha v. Union of India (2024) is a significant advancement in constitutional protection against caste-based profiling; nonetheless, its revolutionary potential is contingent upon its execution. Law enforcement and administrative practices must operationalize the Supreme Court's confirmed principles of rejecting inherited criminality, supporting substantive equality, and acknowledging the dignity of identity. The police manuals that direct day-to-day policing and the administrative culture that views Bedia and other members of the de-notified tribe (DNT) as subjects of surveillance rather than individuals with enforceable rights are two direct fronts for this operationalization.

### 5.1. Police Manuals: From Biased Language to Constitutional Compliance

Police manuals are not objective technical publications; they mould law enforcement officers' perspectives, direct their discretionary actions, and affect how local communities are viewed. Police manuals in Madhya Pradesh and a number of other states have previously used language that dates back to colonial categorization of "habitual" or culturally suspicious communities. These manuals frequently contain adjectives that subtly support assumptions associated with particular communities regarding mobility, livelihood, and morality.

The Supreme Court ruled in Sukanya Shantha that it is unconstitutional to classify entire populations as "habitual offenders" in the absence of specific evidence<sup>29</sup>. The Court declared that administrative categories that reflect colonial racism are unlawful by overturning classifications found in prison manuals and ordering the removal of caste identifiers from records.<sup>30</sup>

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<sup>28</sup> *Supra* Note 8 ¶¶ 94–98.

<sup>29</sup> *Supra* Note 8 ¶¶ 52–58

<sup>30</sup> *Id.* ¶¶ 60–63.

### 5.1.1. Why Manuals Matter

Front-line decision-making is guided by police guidelines on:

- i. Thresholds for arrest and imprisonment;
- ii. Threat assessments and community relations;
- iii. Techniques for area dominance and preventive patrols;
- iv. Documenting and analyzing community profiles' "reputation."

These guides' biased wording justifies excessive monitoring, arbitrary detentions, and persistent harassment of Bedia women and other DNT members. Euphemistic terms like "addicted to vagrancy" or "associated with immoral conduct" can serve as stand-ins for historical stigma even in the absence of clear textual references to caste or group.

### 5.1.2. The Argument for Audit and Reform

The Madhya Pradesh Police Manual and Standard Operating Procedures must undergo a forensic audit and rewriting in accordance with the principles of Sukanya Shantha in order to eliminate the following:

- i. Prejudiced language directed at DNT communities;
- ii. Assumptions of propensity based on identity rather than behavior;
- iii. Operational guidelines that allow profiling in the name of combating crime.

The police jurisprudence established in rulings such as Arnesh Kumar v. State of Bihar, which warns against routine arrests without specific justification, and Amanatullah Khan v. Commissioner of Police, which highlights custodial safeguards and protection of liberty in everyday enforcement, should also require such an audit<sup>31</sup>. The Court's mandate to consider people as citizens with rights rather than as archives of administrative suspicion should be in line with the reforms.

## 5.2. Administrative Reform: From Subjects of Surveillance to Holders of Rights

Sukanya Shantha has a deeper promise than just eliminating discriminatory wording from manuals; it also has the potential to spark administrative reform to reposition traditionally

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<sup>31</sup> *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273 (India); *Amanatullah Khan v. Commissioner of Police*, Dly., 2024 INSC 383 (India), <https://indiankanoon.org/doc/60531328/>

marginalized people as holders of enforceable rights rather than as constant targets of official inspection.

### 5.2.1. Argument of Sovereignty

According to the constitution, "sovereignty" refers to people's independent ability to assert their rights, hold the government accountable, and interact with it on an equal basis. Sovereignty has been consistently compromised for Bedia women and other DNT members by:

- i. Routine police inspections without a specific reason;
- ii. Denial of cultural agency, such as when the Immoral Traffic (Prevention) Act of 1956 made Rai dance illegal;
- iii. Obstacles to receiving benefits because of administrative procedures that include community profiling.

These actions are similar to what Nikhil Anand refers to as "bureaucratic state violence," which is the surveillance of legal subjects without the enforcement of their rights.<sup>32</sup> This logic is reversed by the Sukanya Shantha principles. The Supreme Court upheld that the state's approach must shift from suspicion to rights facilitation by acknowledging the dignity of identification and declaring community-based profiling to be unconstitutional.

### 5.2.2. Policy and Structural Measures

In order to achieve this change, administrative reform ought to comprise:

- i. **Community Participation in Policymaking:** Institutional frameworks that enable Bedia representatives to collaborate on the creation of local welfare implementation plans and policing procedures.
- ii. **Sensitivity and Constitutional Morality Training:** Required courses on caste neutrality, procedural justice, and dignity jurisprudence, based on rulings such as Sukanya Shantha and Arnesh Kumar, for police and administrative personnel.
- iii. **Independent Oversight Mechanisms:** Giving civilian oversight organizations or human rights commissioners the capacity to examine police behavior, look into discriminatory trends, and impose corrective actions.

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<sup>32</sup> Nikhil Anand, *Hydraulic Citizenship: Water and the Infrastructures of Belonging in Mumbai* (Duke Univ. Press 2017).

iv. **Cultural Recognition Policies:** In line with the Court's commitment to equality and dignity, the government recognizes Rai dance and other traditional arts as intangible cultural assets, requiring protection rather than policing.

#### **5.2.3. Legal Accountability and Rights Enforcement**

Accessible corrective enforcement procedures are also necessary for the transition from "subjects of surveillance" to "holders of rights." It is necessary to operationalize constitutional remedies through:

- i. Litigation in the public interest contesting discriminatory practices;
- ii. Administrative tribunals with the authority to consider harassment and profiling allegations;
- iii. Protection from police retaliation under the law.

Sukanya Shantha reflects the constitutional commitment that legal equality must be substantive rather than merely nominal, which is echoed in Articles 14, 15, 17, and 21<sup>33</sup>.

### **6. Recommendations: From Judicial Recognition to Structural Justice**

This study has shown that the marginalization of Bedia women in Madhya Pradesh is a result of a deeply ingrained system of governance based on caste hierarchy, colonial mistrust, and gendered moral policing rather than an anomaly. Although the Supreme Court's ruling in *Sukanya Shantha v. Union of India* (2024) recognizes the dignity of identity and categorically rejects inherited criminality, legal pronouncements alone cannot bring about constitutional change. Participatory governance, administrative accountability, and institutional reform must be implemented in order to full-fill the judgment's promise.

#### **6.1. Establishment of a State-Level De-Notified Tribes (DNT) Commission in Madhya Pradesh**

The establishment of a State-level De-Notified Tribes Commission in Madhya Pradesh with a specific mandate to remedy the past and present injustices experienced by DNT communities, especially tribal women like those from the Bedia community, is one of the study's main recommendations.

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<sup>33</sup> *Supra* Note 8 ¶¶ 69–98.

### 6.1.1. Rationale

Numerous national commissions, such as the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes and the Renke Commission, have repeatedly stressed that DNTs have particular vulnerabilities because of their administrative invisibility and historical criminality.<sup>34</sup> However, complaints about policing, livelihood criminalization, and gender-based harassment frequently go unanswered due to the lack of powerful state-level bodies.

The Sukanya Shantha ruling, which holds that caste profiling and suspicion based on community breach constitutional morals and dignity, highlights the importance of establishing a body<sup>35</sup>. In Madhya Pradesh, a state commission would supply the institutional framework required to carry out this mandate.

### 6.1.2. Proposed Powers and Functions

The proposed DNT Commission ought to have the authority to:

- i. quasi-judicial authority to accept and investigate allegations of harassment, arbitrary detention, and abuse of legislation intended to protect DNT women;
- ii. authority to verify that police manuals, local directives, and administrative procedures adhere to Articles 14, 15, 17, and 21;
- iii. authority to make legally enforceable recommendations to state agencies, including district administration and the police;
- iv. a directive to oversee the execution of DNT women's welfare and rehabilitation programs;
- v. representation of female DNT members, thereby sure that policy is informed by lived experience.

The sovereignty feature highlighted in this study would be strengthened by such a commission, which would turn Bedia women from passive receivers of official action into constitutional subjects who assert their rights.

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<sup>34</sup> Ministry of Soc. Just. & Empowerment, *Report of the Renke Commission on Denotified, Nomadic and Semi-Nomadic Tribes* 63–71 (2008),

<https://socialjustice.gov.in/writereaddata/UploadFile/RenkeCommissionReport.pdf>;

Nat'l Comm'n for Denotified, Nomadic & Semi-Nomadic Tribes, *Report on Issues Relating to DNTs* (2008), [https://tribal.nic.in/downloads/Statistics/NC\\_DNT\\_Report.pdf](https://tribal.nic.in/downloads/Statistics/NC_DNT_Report.pdf)

<sup>35</sup> *Supra* Note 8 ¶ 52–58

## 6.2. Mandatory Sensitization Programs for the Judiciary and Police

The second suggestion deals with the deep-rooted caste prejudice in governmental institutions, which is the epistemic basis of discrimination. In *Sukanya Shantha*, the Supreme Court clearly recognized that caste bias persists not only in social practices but also in administrative and legal institutions, frequently under the pretense of tradition or impartiality.<sup>36</sup>

### 6.2.1. Judicial Sensitization

District and subordinate judicial officers are essential in justifying or limiting police abuses. However, empirical research demonstrates that moral and social preconceptions often influence remand orders, bail decisions, and the interpretation of laws like the Immoral Traffic (Prevention) Act of 1956.<sup>37</sup>

Consequently, this paper suggests:

- i. The Madhya Pradesh Judicial Academy offers mandatory judicial training modules on: both substantive equality and indirect discrimination;
- ii. DNT history and the rejection of inherited criminality in the constitution;
- iii. aspects of caste and moral policing that are gendered.
- iv. *Sukanya Shantha*, *Arnesh Kumar v. State of Bihar*, and associated case law are included into ongoing legal education<sup>38</sup>.

Such instruction is in line with the Supreme Court's acknowledgment that constitutional morality must direct judicial reasoning as well as results.

### 6.2.2. Police Sensitization

For Bedia women, police continue to be the greatest direct source of rights violations. The continued use of moral monitoring, arbitrary raids, and profiling emphasizes the necessity for structural sensitization rather than sporadic awareness campaigns.

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<sup>36</sup> Id. ¶¶ 69–76.

<sup>37</sup> Vrinda Grover, *Sex Work, Law and Human Rights in India*, 51 Econ. & Pol. Wkly. 45 (2016), <https://www.epw.in/journal/2016/51/review-womens-studies/sex-work-law-and-human-rights-india.html>

<sup>38</sup> *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273 (India).

This study recommends:

1. All police ranks must receive constitutional ethics education and sensitization, with an emphasis on:
  - i. banning community-based profiling;
  - ii. gender-sensitive interpretation of laws pertaining to morals and public order;
  - iii. legal restrictions on arrests and preventative detention.
2. Human rights and dignity jurisprudence should be incorporated into police training programs in accordance with national police reform recommendations.<sup>39</sup>

Sensitization must be presented as a fundamental duty that stems directly from Articles 14, 15, 17, and 21 rather than as charity.

## 7. Concluding Reflection: From De-Notification to Democratic Inclusion

In reality, the official de-notification of the Bedia group in 1952 brought little more than symbolic independence, despite the promise of freedom from criminality during the colonial era. The legal framework of suspicion was destroyed by the repeal of the Criminal Tribes Act, but its administrative afterlife—which took the form of police surveillance, moral profiling, and inherited stigma—was preserved. The Supreme Court's ruling in *Sukanya Shantha v. Union of India*, more than 70 years later, offers a unique constitutional chance to ultimately break this continuum between colonial rule and modern state practice.

However, as this study has shown, institutional culture's deeply ingrained systems of exclusion cannot be destroyed by legal acknowledgment alone. If *Sukanya Shantha* is not accompanied by tangible institutional mechanisms that actively eradicate suspicion at its source, it will not be able to full-fulfill its transformative potential. This is especially true in the areas of policing, local government, and subordinate courts, where Bedia women interact with the state most directly and under duress.

In this regard, the creation of a State-level De-Notified Tribes Commission and the execution of required sensitization programs for the police and judiciary must be viewed as minimal constitutional compliance rather than aspirational reform. These actions are a direct result of

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<sup>39</sup> Bureau of Police Research & Dev., *Training Manual on Human Rights and Policing* (Gov't of India 2019), <https://bprd.nic.in/WriteReadData/userfiles/file/HR%20Manual.pdf>.

the Constitution's guarantees of substantive equality, dignity, and non-discrimination. Constitutional rights run the risk of being abstract assurances that are unavailable to people whose identities have historically been viewed as presumptively abnormal in the absence of such structural interventions.

The Republic can only legitimately claim to have fulfilled its constitutional promise when Bedia women can interact with the state without fear—when cultural customs are no longer viewed as illegal, when community identity is no longer used as proof of criminality, and when dignity is assumed rather than earned. In this way, the transition from stigma to sovereignty is a significant test of India's constitutional conscience and its readiness to face the unsolved legacies of its colonial past, rather than just a process of social inclusion or administrative change.