

Changing Names, Unchanging Caste, and the Law in India

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Abstract

In recent times, several claims have been made before Indian courts to seek the change of one's first name or surname. Such claims are being made for many different reasons out of which one reason stands out which is to hide one's caste identity, namely to hide one's untouchable or Dalit identity. While much has been written about concealing caste in autobiographical literature, and socio-political theories have engaged with the question of identity and recognition, the legal framework governing these practices remains under-examined. The Indian courts have interpreted the right to change one's name as an aspect of the right to determine one's identity or the right of self-determination, drawing from existing constitutional law principles and jurisprudence. This jurisprudence on the right to determine one's identity has evolved through constitutional questions on gender identity, sexual expression, and privacy. However, in this article, I argue that the liberal interpretation of the right to change one's name as framed through the prism of the individual right to identity under-assumes the pervasive and structural nature of caste and consequentially severely undermines the metric of dignity. I argue that in effect, the judicial recognition of the right to alter one's name amounts to endorsing a limited right to conceal caste or the right to pass rather than facilitating a genuine right to assert or change one's caste identity.

Keywords

Caste, Identity, Naming, Dignity, Concealment, Passing, Change

As is usual among the Hindus, the station-master asked us who we were. Without a moment's thought I blurted out that we were Mahars.!

—Dr. Ambedkar in 'Waiting for a Visa'

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¹Dr. B.R. Ambedkar, *Waiting for a Visa*, vol. 12 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 666.

Introduction

When a young nine-year-old Ambedkar blurted out his actual caste-identity in front of the station-master at the Masur station in Maharashtra, according to Dr. Ambedkar, the station-master was ‘overpowered by a strange feeling of repulsion.’² What ensued after was a struggle for finding a bullock-cart rider who would agree to take Dr. Ambedkar to his destination.³ When the travelling party felt thirsty during their journey, they tried their luck at a Hindu toll-collector’s hut by pretending to be Muslims, as advised by the cartman. The Hindu man still refused to provide water perhaps because of Dr. Ambedkar’s inability to convincingly pretend to be a Muslim.⁴ Dr. Ambedkar describes this as a ‘shock’ that he had never received, which prior to this incident was a ‘matter of course.’⁵ What was matter of course was the knowledge of discrimination as a matter of fact that existed in Dr. Ambedkar’s school (in order to access water) and his neighbourhood (to access laundry and hair cut services).⁶ He was aware of his position as being ‘separate’ in his local spaces, but he perhaps was not aware of how pervasive this discrimination was and that it prevailed beyond his neighbourhood.

When Dr. Ambedkar returned to India after his studies abroad in 1916, at the age of 25, he was disturbed thinking about who would give him accommodation, and the strategy of ‘impersonation’ was the only way to seek accommodation at the Hindu hotels.⁷ He found a Parsi inn where he was granted accommodation by assuming a Parsi name.⁸ Within eleven days, his identity was discovered by a mob of Parsis who confronted him and threatened him to vacate by evening. They threateningly questioned him asking: “How dare you take a Parsi name?”⁹ In light of this incident, Dr. Ambedkar notes:

*It was in fact a fraud, and the fraud was discovered, and I am sure that if I had persisted in the game I was playing, I would have been assaulted by the mob of angry and fanatic Parsis and probably doomed to death.*¹⁰

He further notes that he could never recall this incident without tearing up.¹¹

²Ibid., 667.

³Ibid. After some time, Dr. Ambedkar found one cartman who agreed but on the conditions that Dr. Ambedkar would ride the cart on his own and pay double the fare.

⁴Ibid., 669. Dr. Ambedkar writes: “I conversed with him in Urdu (which I knew very well), so as to leave no doubt that I was a real Musalman. But the trick did not work and his reply was very curt. “Who has kept water for you? There is water on the hill, if you want to go and get it; I have none.” With this he dismissed me.”

⁵Ibid., 671.

⁶Ibid.

⁷Ibid., 676.

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid., 678.

These incidents in Dr. Ambedkar's life are telling of an important dimension of caste which entails the revelation of one's caste identity which in turn determines the quality of recognition by others as a human being.

The caste-based society has its origins in the scripture of Rig Veda, and in the Purusha Sukhta hymn in particular which assigns a noble and pure origin to the Brahmins and a filthy and impure origin to the shudras.¹² Caste is a cosmically assigned status at birth which is further characterized by pigeonholing the untouchables into filthy occupations, imposing geographical segregation, restrictions on inter-dining and inter-marrying with other castes, restrictions on owning property, exclusion from education, exclusion from accessing public spaces and amenities and so on. The caste system is not just a traditional or customary social system but is a system that prescribes rights and obligations based on caste.¹³ For Dr. Ambedkar, the caste system is equivalent to a legal system.¹⁴

Dr. Ambedkar aptly conceptualized the caste system as an 'ascending scale of reverence and a descending scale of contempt.'¹⁵ Due to the assignment of pride and purity to higher castes and inferiority and impurity to lower castes, what ensues between them is a 'competition for dignity.'¹⁶ It follows that it is not only the material distribution of resources that is impacted due to one's caste location but also the distribution of dignity and equal recognition. Knowledge of one's caste location becomes necessary to this process. A way to ascertain one's caste location is through one's name, particularly surname.

In societies where rigid social hierarchies and pervasive forms of discrimination exist, strategies of passing or concealment are deployed by people to escape potential discrimination and stigma or to experience freedoms that are otherwise denied to them. In the United States of America, the strategy of passing has been deployed by light-skinned black persons to pass off as white-skinned persons.¹⁷ During the holocaust, Jews adopted various strategies to pass off as Christians, including the adoption of

¹²Dr. B.R. Ambedkar, *Who Were the Shudras?: How they came to be the Fourth Varna in the Indo-Aryan Society*, vol. 7 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 22.

¹³For example, see *Manusmriti*.

¹⁴Dr. Ambedkar writes: "...in Hinduism, there is no distinction between the Legal and the Moral, the Legal also being the Moral." Dr. B.R. Ambedkar, *Philosophy of Hinduism*, vol. 3 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 81.

¹⁵Ambedkar (n 12) 26.

¹⁶Yashpal Jogdand (2023). Ground down and locked in a paperweight: Toward a critical psychology of caste-based humiliation. *Critical Philosophy of Caste and Race*, 11(1), 33, 40.

¹⁷See Gerald D. Jaynes (2005). Racial Passing. In Gerald D. Jaynes (Ed.), *Encyclopedia of African American Society*, vol. 2 (685). SAGE Publications.

Christian names.¹⁸ In Latin America, mestizo persons of mixed indigenous and Spanish ancestry have adopted strategies to pass off as white.¹⁹ In India too, hiding one's caste, such as through the use of ambiguous surnames or through upper-caste surnames to pass off as an upper-caste person has been observed. This is the focus of the present article in the context of the law.

Matters of identity and recognition have been theorized extensively which broadly state that one's formation of identity is based on mutual recognition by others in society.²⁰ In the absence of such mutuality, there is misrecognition which disrupts one's relation with the other as well as with the self.²¹ Specific to the Indian context of caste, it is the concept of '*pahchan*' (identity) as articulated by Joel Lee which appropriately sets the tone for this article.²² The concept of '*pahchan*' is derived from the verb '*pahchanna*,' that is, 'to recognize, discern, distinguish.'²³ 'This conjures a scene of dynamic intersubjectivity in which it is not the self but the other—the discerner, the conferrer of recognition—who holds the relative advantage in determining a given subject's status.'²⁴

In the context of the law, jurisprudence in India has developed to recognize what is known as the right to determine one's identity which is based in the individual right of self-determination. The right to change one's name, particularly one's surname that signifies one's caste has been read into such a right. However, it is arguable if the court adequately understands and addresses the caste inequalities that persist despite the articulation of such a right. In this article, I will be centering one marker of caste identity which is one's name, specifically, one's surname and analyze claims about changing names/surnames in Indian courts. I will use socio-political literature to explain the limits and the potential futility of the right to change one's name as recognized in law. I argue that there exists a gap between the court's conceptualization of the right to change one's name and the impact it can have on questions of dignity and on the overall caste system. This study provides a novel critique of the court's interpretation of the right to change one's name considering broader socio-political articulations of caste passing and caste concealment.

¹⁸See Nechama Tec (1984). Sex distinctions and passing as Christians during Holocaust. *East European Quarterly*, 18(1), 113.

¹⁹See Ana Paola Gutiérrez Garza (2025). The reconfiguration of *mestizaje* and whiteness in the diaspora. *Critique of Anthropology*, 45(2), 209.

²⁰See Stanford Encyclopedia of Philosophy, 'Recognition' <<https://plato.stanford.edu/entries/recognition/>> accessed 29 December 2025.

²¹Ibid.

²²Joel Lee (2021). *Deceptive Majority: Dalits, Hinduism, and Underground Religion*. Cambridge University Press, 27.

²³Ibid.

²⁴Ibid.

Ways of Naming, Ways of Passing

II. 31. Let (the first part of) a Brahman's name (denote) something auspicious, a Kshatriya's name be connected with power, and a Vasihya's with wealth, but a Shudra's (express something) contemptible.²⁵

—**Manusmriti**

In the first place, the name of the caste forming a surname of the individual prevents the offender in passing off as a person belonging to another caste and thus escape the jurisdiction of the caste. Secondly, it helps to identify the offending individual and the caste to whose jurisdiction he is subject so that he is easily handed up and punished for any breach of the caste rules.²⁶

—**Dr. Ambedkar in 'The House the Hindus have Built'**

In a caste-ridden Indian society where caste is an ascribed birth-based status, names, particularly surnames may be one of the signifiers of caste. This is because caste is a system of rules and codes that prescribes rules for naming children as per caste norms.²⁷ For Sir H. Risley, 'a caste may be defined as a collection of families or groups of families bearing a common name which usually denotes or is associated with specific occupation...'²⁸ For Dr. Ambedkar, the four caste names, namely, Brahmin, Kshatriya, Vaishya, and Shudra 'are names which are associated with a definite and fixed notion in the mind of every Hindu' and which determine 'a person's attitude towards men and things.'²⁹ Additionally, assigning a 'high sounding' first name to a Shudra was considered as an offence.³⁰ The *Manusmriti* injunctioned that if a Shudra uttered the names or castes of the twice-born in a disrespectful manner, 'an iron nail, ten fingers long, shall be thrust red hot into his mouth.'³¹ Thus, Ambedkar's theory of caste as being a system of 'graded inequality'³² characterized by an ascending scale of reverence and a descending scale of contempt applies to naming conventions as well

²⁵*Ambedkar* (n 14) 38.

²⁶Dr. B.R. Ambedkar, *The House the Hindus have Built*, vol. 5 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 160.

²⁷*Ambedkar* (n 14) 23.

²⁸See Dr. B.R. Ambedkar, *Castes in India*, vol. 1 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 7.

²⁹Dr. B.R. Ambedkar, *Annihilation of Caste*, vol. 1 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 59.

³⁰*Ambedkar* (n 26) 21.

³¹Dr. B.R. Ambedkar, *Why Lawlessness is Lawful?*, vol. 5 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 66.

³²Dr. B.R. Ambedkar, *Untouchables or the Children of India's Ghetto*, vol. 5 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 101.

whereby a Shudra ‘must be contemptible both in fact and in name.’³³ These are not simply naming conventions but are naming injunctions that are constitutive of what Dr. Ambedkar describes as the ‘jurisdiction of caste’ that is difficult to bypass because one’s name immediately signifies one’s caste identity, thus making the process of caste identification direct and easy.

Often, members of untouchable communities are not born into any surnames. They will usually carry only a single first name. The first name can also become a political site of caste-coded ascription of status. Assigning of derogatory first names to Dalit communities by priestly communities in India is prevalent even today.³⁴ These include names such as ‘kali’ (black), ‘tolia’ (stone) and ‘rodi’ (animal dung).³⁵ Regardless of caste, derogatory names are assigned to female children such as ‘kachrabai’ (garbage), ‘bhateri’ (enough), ‘phasibai’ (deceiver), and ‘nakoshi’ (unwanted).³⁶ If Dalits have chosen decent names for themselves or their children, officials and others in society tend to deform their names so as to make them sound more suitable according to their denigrated status or to make them sound meaningless altogether.³⁷

Goffman located the possibility of two types of stigmatized individuals—the discredited and the discreditable.³⁸ The discredited is one whose stigma is immediately visible and the discreditable is the one whose stigma is potentially visible but unidentifiable at the moment.³⁹ Goffman also discusses passing as a key strategy to avoid stigma, particularly in the latter case.⁴⁰ In order to risk exposing oneself to the

³³Ambedkar (n 14) 38. As Dr. Ambedkar notes from the *Manusmriti*: “II. 32. The second part of a Brahmin’s name shall be a word implying happiness, of a Kshatriya’s (a word) implying protection, of a Vaishya’s a term expressive of thriving and of a Shudra’s an expression denoting service.” See Dr. B.R. Ambedkar, *Problem of Isolation*, vol. 5 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 115.

³⁴Amrit Dhillon (2023). India’s Dalits seek to reclaim dignity by pushing back on insulting baby names. (*South China Morning Post*) <<https://www.scmp.com/week-asia/article/3208257/indias-dalits-seek-reclaim-dignity-pushing-back-insulting-baby-names>> accessed 30 December 2025. See also recent initiative launched by the state of Rajasthan called ‘Sarthak Naam Abhiyan’ to assign meaningful names to children. Lifestyle Desk, (2026). Inside Rajasthan’s push for meaningful baby names: What you name your child matters more than you think. (*Times of India*) <<https://timesofindia.indiatimes.com/life-style/parenting/moments/inside-rajasthans-push-for-meaningful-baby-names-what-you-name-your-child-matters-more-than-you-think/articleshow/130161079.cms>> accessed 13 April 2026.

³⁵Ibid.

³⁶Ibid.

³⁷Bhawani Buswala (2023). Undignified names: Caste, politics, and everyday life in North India, 1 *Contemporary South Asia*, 572-573.

³⁸See Erwing Goffman (1963). *Stigma: Notes on the management of spoiled identity*. (Prentice-Hall, Inc., United States of America).

³⁹Ibid.

⁴⁰Ibid.

‘wrath and prejudice’ of the caste Hindu, untouchables began to adopt un-repulsive and un-stinking caste names that Dr. Ambedkar described as ‘protective discolouration.’⁴¹ For example, the Chamars of north India began to refer to themselves as Ravidas or Jatavs, Paraiyahs of south India referred themselves as Adi-dravidas, Bhangis called themselves Balmikis and so on.⁴² However, these reformed names have also become signifiers of low caste status.

Other strategies to renegotiate the allocation of prestige and dignity have also been adopted by castes lower in the hierarchy. Dr. Ambedkar in his thesis on caste endogamy analyzed the practice of endogamy in marital relations amongst the lower castes, terming it as the ‘infection of imitation.’⁴³ Broadly, such ‘imitation flows from the higher to the lower.’⁴⁴ One of the conditions of such imitation is that ‘the source of imitation must enjoy prestige in the group.’⁴⁵ As caste system is a system of graded inequality that thrives on the basis of competition for dignity, this technique of imitation becomes an important one in order to escape lowly social status and to accumulate dignity.⁴⁶ M.N. Srinivas theorized the phenomenon of Sanskritization whereby lower castes adopt higher caste norms, i.e., brahminical norms such as vegetarianism, teetotalism, and other Sanskritic rituals, customs, and beliefs in order to gain respectability and dignity like the upper castes which is otherwise theoretically impermissible.⁴⁷ Comparatively, racial passing was a strategy employed by African-Americans in the United States of America during the era of slavery. This strategy involved a light-skinned person of mixed race allowing or encouraging others to believe that they are white.⁴⁸ During the Jim Crow era, this meant claiming belongingness ‘to a group to which one was not legally assigned.’⁴⁹ Sanskritization was openly attempted on a collective basis by lower caste groups whereas passing was a more clandestine and individualized phenomenon. Sanskritization does not challenge or annihilate caste-hierarchies but only provides a way to claim an elevated status within the rank-

⁴¹Dr. B.R. Ambedkar, *Away from the Hindus*, vol. 5 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 415.

⁴²Ibid., 419.

⁴³*Ambedkar* (n 28) 18.

⁴⁴Ibid.

⁴⁵Ibid.

⁴⁶For instance, the lower caste Namashudras of Bengal began adopting higher caste practices such as enforced widowhood, disallowing widow remarriages, and disallowing women from working in order to seek a higher status in the caste hierarchy. See Uma Chakravarti, (2018). *Gendering caste: Through a feminist lens* (p. 122). Sage Publications.

⁴⁷M.N. Srinivas (1952). *Religion & society among the Coorgs of South India*. (p. 30). Media Promoters & Publishers Pvt. Ltd., Bombay.

⁴⁸*Jaynes* (n 17).

⁴⁹Allyson Hobbs (2014). *A chosen exile: A history of passing in American Life*. (p. 4). Harvard University Press, United States of America.

based caste-system. Similarly, passing does not dissolve racial hierarchies but allows one to gain white privileges by pretence. Both strategies rest on the assumption that there is greater value at the top in terms of quality of dignity and availability of other resources and the bottom is consequently marked as undesirable.

Attempting to jump the jurisdiction of caste by way of passing or imitation can invite consequences. Dr. Ambedkar recounts an incident where Sonars, a low caste were wearing their dhotis like Saivadnya Brahmins and using the word ‘namaskar’ to greet others in the Bombay Presidency.⁵⁰ Offended by their attempt to ‘pass off’ as Brahmins, the Brahmins lobbied with the East India Company to get a prohibitory order issued against the Sonars.⁵¹

For Ambedkar it remained doubtful if such active form of caste passing could protect or provide immunity to untouchables from the jurisdiction of caste.⁵² Despite the constitutional abolition of untouchability, contemporary practices of concealing caste through names continue to reveal anxiety regarding the social consequences one may have to bear upon exposure.

Studies have focused on the use of names that reveal the ‘micro processes of how caste can shape access to symbolic resources (dignity), political resources (access to public sphere), and material resources (conditions of livelihoods and bodily security against caste violence).’⁵³ Thorat and Attewell conducted a study in 2007 to demonstrate discrimination in the private job market on the basis of names that were suggestive of one’s caste or religion.⁵⁴ No markers other than names were divulged in the experiment. It was found that candidates with Dalit and Muslim sounding names had lesser chances of getting call-backs for interviews.⁵⁵ In educational institutions, students who are open about their untouchable caste identity report the most negative experiences in the classroom.⁵⁶ Students whose surnames gave away their caste adopted self-silencing as a coping mechanism.⁵⁷ Jodhka has reported in his research on

⁵⁰Ambedkar (n 29) 53.

⁵¹Ibid.

⁵²Ambedkar (n 41) 420.

⁵³Bhawani (n 37).

⁵⁴See Sukhadeo Thorat and Paul Attewell (2007). The legacy of social exclusion: A correspondence study of job discrimination in India. *Economic and Political Weekly*, 42(41), 4141. A similar experiment was undertaken in the United States of America in the context of names that indicated race.

⁵⁵Ibid.

⁵⁶Kathryn Lum (2019). The Dalit closet: Managing Dalit identity in an elite university in India. *The Journal for Critical Education Policy Studies*, 120, 144. See also Gaurav J. Pathania et al., (2023). Caste identities and structures of threats: Stigma, prejudice, and social representation in Indian universities. *CASTE: A Global Journal on Social Exclusion*, 4(1), 3, 12.

⁵⁷See Gaurav Pathania et al. (2023).

North-West India that patients preferred being examined by non-Dalit doctors and that customers were hesitant to undertake transactions with businesses owned by Dalits, causing Dalits to actively attempt to conceal their caste identities.⁵⁸ Parents have gone to the extent of not only changing the surnames of their children but also avoiding availing scholarship schemes meant for their children so that they are not bullied by school teachers.⁵⁹

Copeman describes the strategy of discarding stigmatizing surnames adopted by Dalits as a ‘commitment to confusion’ in the hope that an excessive amount of confusion and chaos caused in the minds of caste Hindus in their attempts to figure out one’s caste would lead to the end of caste discrimination.⁶⁰ On the other hand, it needs to be evaluated whether the fear of consequences of disclosure of caste identity through identifiable names shows that the lower castes are bearing a one-sided or disproportionate burden to escape stigma and discrimination. This is most starkly evident in the claims to change names that are being made by untouchables (and individuals belonging to religious minorities that face similar stigma) in Indian courts as is detailed in the next section of the article.

The Right To Determine One’s Name

“What’s in a name”?

Four centuries ago, when William Shakespeare wrote the classic “Romeo and Juliet,” he felt that name did not matter much. In the present times, if one is asked the same question “What’s in a name”?, the answer would be: “It’s everything.”⁶¹

—The Kerala High Court in *Kashish Gupta vs. CBSE (2020)*

In this part of the article, I will be examining the jurisprudence that has evolved from the claims to change one’s name. These claims involve changing one’s name or surname or dropping a middle name or a surname. These claims have mainly arisen against the rules formulated by the Central Board of Secondary Education (CBSE), a national level board of the Government of India which governs matters related to school education. These statutory rules have been found by courts to interfere with the right to change one’s name, the latter being a facet of constitutional law to which statutory laws are subservient. The Indian courts have relied on the prior jurisprudence

⁵⁸See Surinder S. Jodhka (2010). Dalits in business: Self-employed Scheduled Castes in North-West India. *Economic and Political Weekly*, 45(11), 41.

⁵⁹See Rajnikant Parmar (2020), Transacting caste in modern times: Changing social identity through surnames in urban Gujarat. *Contemporary Voice of Dalit*, 12(2), 220.

⁶⁰Jacob Copeman (2015), Secularism’s names: Commitment to confusion and the pedagogy of the name. *South Asia Multidisciplinary Journal*, 12 (pp. 81, 86).

⁶¹*Kashish Gupta vs. CBSE 2020 SCC OnLine Ker 1590.*

developed on matters of gender identity and sexuality and the right to privacy to interpret the right to change one's name.

An earlier High Court judgment on a claim related to altering one's name is the Kerala High Court's decision in the case of *Kashish Gupta vs. CBSE (2020)*, where the petitioner sought to change her first name from 'Dinky' Gupta to 'Kashish' Gupta for personal reasons.⁶² A gazette notification and publication in newspapers were made to this effect in accordance with the relevant rules. However, CBSE refused to change her name on her school leaving certificates citing the CBSE Examination bye-laws that disallowed such a change after publication of exam results. The Court allowed the change of name and derived the right to change one's name from Article 19(1)(a) (right to free expression) and Article 21 (right to life) of the Constitution of India.⁶³ It held that bona fide claims to change one's name must be granted, the only exceptions being the regulation of fraudulent or other criminal activities.⁶⁴ The Court identified the name to be something deeply personal, an expression of one's individuality and uniqueness.⁶⁵

In the case of *Jigyada Yadav vs. CBSE (2010)*,⁶⁶ the petitioner claimed that her parents' names were recorded wrongly in her school certificates⁶⁷ for which she sought correction. The petitioner contended the case by arguing that her higher education, career, and travel opportunities would be severely impacted, in turn impacting her essential fundamental rights under Articles 14, 19(1)(g), and 21 of the Constitution. The Court rejected her contention and stated that it was averse to take an 'idealistic view' of the matter and instead took a 'pragmatic' view of the matter by avoiding interfering with the set bye-laws because such interference with the bye-laws would have the effect of 'rendering the system unworkable in practice.'⁶⁸

About eleven years later, the case was decided on appeal before the Supreme Court of India. In the case of *Jigyada Yadav vs. CBSE (2021)*,⁶⁹ the Supreme Court of India substantially laid down the norm regarding the right to change one's name as essentially being an incident of right to control one's identity. The Court, relying on *Navtej Singh Johar vs. Union of India (2018)*⁷⁰ held that 'inner self-identification' forms part of

⁶²Ibid.

⁶³Ibid.

⁶⁴Ibid.

⁶⁵Ibid.

⁶⁶*Jigyada Yadav vs. CBSE* 2010 SCC OnLine Del 4742.

⁶⁷Ibid. Her father's name was recorded as 'Hari Singh Yadav' instead of 'Hari Singh' and her mother's name was recorded as 'Mamta Yadav' instead of 'Mamta.' 'Yadav' surname in India evidently signifies a backward (shudra) class, mainly from North India.

⁶⁸Ibid.

⁶⁹*Jigyada Yadav vs. CBSE (2021)* 7 SCC 535.

⁷⁰*Navtej Singh Johar vs. Union of India (2018)* 10 SCC 1.

one's core existence and this includes one's name which is an 'acquired identity.'⁷¹ *Navtej* is primarily a case pertaining to the decriminalisation of homosexuality in India. *Navtej* recognized and accorded equal importance to one's 'natural identity' and 'acquired identity',⁷² identity ultimately being 'an amalgam of various internal and external including acquired characteristics of an individual and name can be regarded as one of the foremost indicators of identity.'⁷³ In *Jigyā* (2021), the Court further held that one's aspiration to be recognized by a different name for a 'just cause' is a facet of right to life under Article 21 of the Constitution of India.⁷⁴

The Supreme Court also stressed that the Delhi High Court in *Jigyā* (2010) had made an 'avoidable observation that in a country with caste-based reservations, changes in name cannot be permitted readily.'⁷⁵ The Supreme Court highlighted that this observation 'displays stereotype prejudice of the Court towards her cause.'⁷⁶ The Supreme Court ultimately read the right to correct or change one's given name or surname as part of fundamental rights, namely, Article 19(1)(a) and Article 21 of the Constitution. Any bye-laws that restrict the exercise of this right would thus be unreasonable restrictions on Article 19 and would therefore be impermissible.⁷⁷ The Court also stated that fundamental freedoms are 'preferred or chosen freedoms' and bye-laws cannot in the name of administrative efficiency override these fundamental freedoms.⁷⁸

Closely related to the right to control one's identity through one's name is the 'right to be forgotten' or the 'right to erasure.' The European General Data Protection Regulation (GDPR) formally articulated this right in order to provide meaningful and substantial amount of control over one's personal data.⁷⁹ In *Jigyā* (2021), the Court explained that apart from the purpose of self-identification, one may want to change their name if for example they were a victim of sexual abuse and their identity was compromised.⁸⁰ Relying on *K.S. Puttaswamy vs. Union of India* (2018),⁸¹ the Court observed that one may want to change their name 'to seek rehabilitation in the society in the exercise of her right to be forgotten.'⁸²

⁷¹Ibid.

⁷²Ibid.

⁷³Ibid.

⁷⁴*Jigyā* (n 69).

⁷⁵Ibid.

⁷⁶Ibid.

⁷⁷Ibid.

⁷⁸Ibid.

⁷⁹See Ben Wolford, 'Everything you need to know about the "Right to be forgotten"' (*GDPR. EU*) <<https://gdpr.eu/right-to-be-forgotten/>> accessed 30 December 2025.

⁸⁰*Jigyā* (n 69).

⁸¹*K.S. Puttaswamy vs. Union of India* (2017) 10 SCC 1.

⁸²*Jigyā* (n 69).

In *K.S. Puttaswamy*,⁸³ the Supreme Court explicitly upheld the right to privacy within Article 21 of the Constitution. In its judgment, the majority opinion reflected on the right to be forgotten. The Court observed that the right to be forgotten is an essential facet of the right to privacy in a digital age where the internet is designed in a way to hold information permanently.⁸⁴

The cases of *Md. Sameer Rao vs. State of UP* (2023)⁸⁵ and *Shyam Kumar Harijan vs. State of Uttar Pradesh* (2023)⁸⁶ were heard together by the Allahabad High Court. Md. Sameer Rao sought a change of his name from ‘Shahnawaz’ to ‘Md Sameer Rao’ and Shyam Kumar Harijan sought to drop his surname ‘Harijan’⁸⁷ and retain the name ‘Shyam Kumar.’ The Allahabad High Court relied on the Supreme Court’s judgment in *Olga Tellis vs. Bombay Municipal Corporation* (1985)⁸⁸ to reiterate that right to life in Article 21 of the Constitution does not merely denote animal existence. It included, as demanded in this case, the right to change one’s name according to ‘personal preference.’⁸⁹ The Court invoked various human rights instruments⁹⁰ and foreign case laws⁹¹ to justify its own stance on the matter. In *Sameer Rao* and *Shyam Kumar*, the main law under consideration was Regulation 40 of Chapter XII of the Uttar Pradesh Intermediate Education Act, 1921 which allows for consideration of name change ‘only if the name is gross or sounds offensive, or appears to be derogatory and the like situations.’⁹² The Court inferred that ‘...a name which lowers a person’s self-esteem may be dropped. Alternatively, any name that enhances a person’s self-worth may be adopted.’⁹³

⁸³*Puttaswamy* (n 81).

⁸⁴*Ibid.*

⁸⁵*Md. Sameer Rao vs. State of UP* (2023) SCC OnLine All 4207. The petitioner sought to change his name from ‘Shahnawaz’ to ‘Md Sameer Rao.’

⁸⁶*Ibid.*

⁸⁷See *Shyam Kumar Harijan vs. State of Uttar Pradesh*, Writ - C No. - 14043 of 2023 available at <https://ecourtsindia.com/cnr/UPHC010826432023/order-3>. ‘Harijan’ meaning ‘children of God’ as coined by Gandhi denotes an untouchable caste, hence, potentially inviting revelation of one’s caste identity through this term.

⁸⁸*Olga Tellis vs. Bombay Municipal Corporation* 1985 (3) SCC 545.

⁸⁹*Md. Sameer Rao* (n 85).

⁹⁰See Article 24(2) of International Covenant on Civil & Political Rights 1966, Article 8 of the Convention on the Rights of the Child 1989, Article 18(2) of the Convention on Rights of Persons with Disabilities 2006, Article 18 of the American Convention on Human Rights 1969, and Article 6(1) of the African Charter on the Rights and Welfare of the Child 1999 which provide for the right to a name/surname.

⁹¹See *Coriel and Aurik vs. The Netherlands* (Communication No. 453/1991), *Raihan vs. Latvia* (Communication No. 1621/2007), and *Standesamt Stadt Niebüll* (2006 EUEJ C-96/04A) which have all reiterated the right to determine one’s name as an essential human right.

⁹²*Md. Sameer Rao* (n 85).

⁹³*Ibid.*

In the case of *Rayaan Chawla vs. University of Delhi* (2020),⁹⁴ the petitioner sought to change his surname from Rayaan ‘Singh’ to Rayaan ‘Chawla’ to identify with his single mother. His parents had divorced and he had no sustaining relationship with his father whose surname ‘Singh’ was initially ascribed to him. The Delhi High Court, relying on *Kashish* and *Jigyā*, allowed this change. Similarly, in the case of *Mohd. Hassan vs. Union Territory of Jammu & Kashmir* (2025),⁹⁵ the petitioner was aggrieved by his friends poking fun at his original name ‘Raj Wali’ and thus sought to change it to ‘Mohd. Hassan’ instead. The High Court of Jammu & Kashmir and Ladakh relied on the precedents formulated in *Jigyā*, *Navtej*, *Kashish*, and *Rayaan* to allow this change.

In the recent case of *Sadanand and Another vs. CBSE* (2023),⁹⁶ two brothers belonging to the Scheduled Caste went to the High Court of Delhi against CBSE’s refusal to change the surname of their father in their school leaving certificates for class 10 and class 12 issued by CBSE. The change was sought to be made from Lakshman ‘Mochi’ to Lakshman ‘Nayak’ due to ‘caste atrocities, social stigma, and disadvantages faced by them on a daily basis, based on surname.’⁹⁷ ‘Mochi’ is indicative of a caste-based occupation, that is, leatherwork, which entails stigma. CBSE oddly argued as it did in *Jigyā* (2010) that change of surname would amount to a change of caste.⁹⁸ The Delhi High Court refuted this argument and allowed the brothers the change they requested for. It also noted that ‘the petitioners have every right to an identity which gives them an honourable and respectable identity in the society.’⁹⁹ The Court further articulated the right to identity as being an intrinsic part of the right to life under Article 21 of the Constitution of India.¹⁰⁰

From the above cases, it is evident that broadly, Indian courts interpret claims to alter one’s name as a facet of the freedom of expression and right to life. Logically, upholding these claims seemingly results in recognition of the inherent dignity of individuals. However, it needs to be questioned whether this liberal articulation about claims to change names sufficiently recognizes the ongoing caste aggressions against Dalits because of which Dalits may be *compelled* to make claims to alter their names. It needs to be questioned whether granting the right to alter one’s name restores the inherent dignity of an untouchable or if it merely facilitates an individual to partially escape caste stigma without disrupting the structure of caste itself, thereby offering only the semblance of dignity.

⁹⁴*Rayaan Chawla vs. University of Delhi* 2020 SCC OnLine Del 1413.

⁹⁵*Mohd. Hassan vs. Union Territory of Jammu & Kashmir* WP(C) No. 21/2025, decided on 11.09.2025.

⁹⁶*Sadanand and Another vs. CBSE* 2023 SCC OnLine Del 3720.

⁹⁷*Ibid.*

⁹⁸*Ibid.*

⁹⁹*Ibid.*

¹⁰⁰*Ibid.*

What of Dignity?

If I may say so, the servile classes do not care for social amelioration. The want and poverty which has been their lot is nothing to them as compared to the insult and dignity which they have to bear as a result of the vicious social order. Not bread but honour is what they want.¹⁰¹

Dr. Ambedkar in ‘What Congress and Gandhi have done to the Untouchables’

The origin of the concept of dignity lies in the Roman concept of ‘dignitas’ that implied one’s rank on the basis of which honour and therefore ‘dignity’ or worth were calculated.¹⁰² It was only later that the idea of inherent and equal human dignity came to dominate.¹⁰³ This idea is encoded and exemplified in the contemporary human rights framework where ‘all human beings are born free and equal in dignity and rights.’¹⁰⁴

With the presence of caste in India which constitutes a hierarchical system of graded inequality according to which a person’s value depends on their rank, dignity is granted accordingly. Dr. Ambedkar has lamented about the indignities that the caste system has heaped upon the untouchables¹⁰⁵ which in turn has inflicted a sense of ‘inferiority complex’ in them which has resulted in their loss of dignity and self-respect.¹⁰⁶ Dr. Ambedkar carried out movements to urge untouchables to give up on self-denigrating practices such as carrion eating, drinking alcohol,¹⁰⁷ and prostitution¹⁰⁸ even though these practices are deeply enmeshed with the livelihood needs of the untouchables.

In this section of the article, I intend to evaluate the liberal interpretation of the right to change one’s name by courts from the paradigm of dignity, and particularly from the paradigm of dignity-based assertions led by untouchables. This analysis seeks

¹⁰¹Dr. B.R. Ambedkar, *What Congress and Gandhi have Done to the Untouchables*, vol 9 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 212-13.

¹⁰²Aakash Singh Rathore, *Ambedkar’s Preamble: A Secret History of the Constitution of India* (Penguin Books, 2020) 173. See Stanford Encyclopedia of Philosophy, ‘Dignity’ <<https://plato.stanford.edu/entries/dignity/>> accessed 30 December 2025.

¹⁰³Ibid.

¹⁰⁴See Article 1 of the Universal Declaration of Human Rights 1948.

¹⁰⁵Dr. B.R. Ambedkar, *States & Minorities*, vol 1 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 426.

¹⁰⁶*Ambedkar* (n 101) 285. See *Rathore* (n 102) 185.

¹⁰⁷Dr. B.R. Ambedkar, *Mahad Satyagraha: Not for water but to establish Human Rights*, vol 17(1) (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 5.

¹⁰⁸Dr. B.R. Ambedkar, *You Must Give up your Disgraceful Profession*, vol 17(3) (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 150.

to illuminate the shortcomings and limitations of the current approach taken by courts where it juxtaposes gender identity-based claims on to caste-based identity claims.

In *K.S. Puttaswamy*, the Court in considering the issue of balancing different fundamental rights reflected on instances involving questions of dignity and ‘autonomy of choice in planning survival.’¹⁰⁹ For example, the ‘Prohibition Of Employment as Manual Scavengers and their Rehabilitation Act, 2013 restricts the right to practice any profession, occupation, trade or business under Article 19(1)(g) ‘in order to enliven Article 21 and 17.’¹¹⁰ The Court also drew a parallel with the prohibition of ‘begar’ or ‘forced labour’ in Article 23 of the Constitution.¹¹¹ Reference was made to the ban placed on ‘dwarf-tossing’ in France despite the community of persons with dwarfism claiming a right to livelihood emanating from the activity.¹¹² The Human Rights Committee of the International Covenant on Civil & Political Rights held any such activity to be inherently degrading to human dignity that cannot be waived away voluntarily.¹¹³

In *K.S. Puttaswamy*, the Court explained that the framework of human rights propounds the inalienable and fundamental right to always ‘be and remain human.’¹¹⁴ The Court referred to Baxi’s work on the debate on the conflict between bread and freedom where he explains that it may be dangerous to choose bread over freedom because freedoms may be postponed at the cost of bread and in the absence of freedom, ‘even the promised “bread” may not be realized by the masses; indeed, they even lose, in the process, their power to protest at the indignity of regime sponsored starvation.’¹¹⁵ This view is similar to Ambedkar’s views on bread and freedom where the indignity and insults posed by the caste system must be countered first, even in the face of enduring material impoverishment.

¹⁰⁹*Puttaswamy* (n 81).

¹¹⁰*Ibid.*

¹¹¹*Ibid.*

¹¹²*Ibid.* Dwarf-tossing is a game where people with dwarfism are thrown on to mattresses or Velcro-coated walls. Persons with dwarfism are paid for this activity by an audience that is entertained by it. Also considered as a sport, this activity has been banned in several countries. See Frédéric Mégret, “Dwarf Tossing”, Human Dignity and Individual Agency’ (*InterGentes: The McGill Journal of International Law & Legal Pluralism*, 25 February 2024) <<https://intergentes.com/dwarf-tossing-human-dignity-and-individual-agency/>> accessed 30 December 2025.

¹¹³Human Rights Committee, *Manuel Wackenheim vs. France*, Communication No 854/1999, U.N. Doc. CCPR/C/75/D/854/1999 (2002).

¹¹⁴*Puttaswamy* (n 81).

¹¹⁵*Ibid.* See Upendra Baxi (1986). From human rights to the right to be human: Some heresies. *India International Centre Quarterly*, 13(3/4), 185, 190.

In contrast, consider the case of *P. Naveen Kumar vs. The District Collector and others* (2024)¹¹⁶ where the petitioner claimed that he be allowed to partake in the ritual of ‘angapradakshinam’ which involves the rolling over in the leftover food and banana leaves of the devotees. This ritual was banned previously in 2015 by the Madras High Court on the basis of the right to a dignified life.¹¹⁷ The 2015 order followed a stay order laid down by the Supreme Court in 2014 regarding the ban on a similar ritual called ‘made snana’ in the state of Karnataka where the Adivasis and untouchables were largely meant to perform the ritual of rolling over on the leftover food eaten by members of upper castes.¹¹⁸ However, in *Naveen Kumar* (2024), the Madras High Court permitted the ritual by citing amongst others, the *Puttaswamy* judgment and holding that apart from protecting sexual and gender orientation, the right to privacy also protects one’s ‘spiritual orientation.’¹¹⁹ The Court distinguished this request from the Supreme Court’s order in *Adivasi Budakattu* (2014)¹²⁰ and the Madras High Court’s order of 2015 because in the present case, members of all castes, particularly Dalits (the petitioner in *Naveen* also being a Dalit) were willing to perform the ritual out of their own volition.¹²¹ The Court also observed that in matters of religion, it is usually not open to parties ‘to make preemptory declaration as to what is dignified and what is not.’¹²² The Madras High Court later stayed the decision in *Naveen* (2024) in 2025 on the grounds of the standing stay order of the Supreme Court in *Adivasi Budakattu*, the Madras High Court’s order in *Dalit Pandiyan* and on the basis of human dignity and constitutional morality, thereby undoing the exemption granted to religious rituals.¹²³

In *Naveen* (2024), the respondents had relied on *Bashesar Nath vs. The Commissioner of Income Tax* (1958)¹²⁴ where it was held that a voluntary waiver of fundamental rights is not constitutionally permissible. In Justice Subba Rao’s opinion in *Bashesar*, such a waiver would mean that ‘a citizen can agree to be discriminated’ and therefore, it becomes the court’s duty ‘to protect the fundamental rights of citizens against themselves.’¹²⁵ This contention was rejected by the Court in *Naveen* (2024).

¹¹⁶*P. Naveen Kumar vs. The District Collector and others* 2024 SCC OnLine Mad 1371.

¹¹⁷*V. Dalit Pandiyan vs. Chief Secretary of Tamil Nadu* W.P.(MD). No. 7068 of 2015 decided on 28.04.2015.

¹¹⁸*State of Karnataka vs. Adivasi Budakattu Hitarakshana Vedike Karnataka* Special Leave Petition (C) No. 33137 of 2014, decided on 12.12.2014.

¹¹⁹*Naveen* (n 116). The Court additionally stated that the performance of ‘angapradakshinam’ which involves the rolling of one’s body on the floor is an extension of the right to move under Article 19(1)(d) of the Constitution.

¹²⁰*State of Karnataka* (n 118).

¹²¹*Naveen* (n 116).

¹²²*Ibid.*

¹²³*District Collector & Others vs. P. Naveen Kumar* 2025 SCC OnLine Mad 1867.

¹²⁴*Bashesar Nath vs. The Commissioner of Income Tax* AIR 1959 SC 149.

¹²⁵*Ibid.*

Naveen (2025), it may be inferred, rejected the approach taken to the waiving of dignity in *Naveen* (2024).

Building on this discourse on dignity, the next sub-section will examine the interrelated dimension of identity and self-determination.

Identity/Self-Determination

The Supreme Court of India in *NALSA vs. Union of India* (2014)¹²⁶ upheld the right to determine one's gender identity and sexual orientation within Article 21 of the Constitution. The Court interpreted this as one's bodily right of self-determination and as part of one's right to dignity and freedom.¹²⁷ The Supreme Court of India decriminalized penal provisions that criminalized same-sex relations in the case of *Navtej*.¹²⁸ The Court invoked the Shakespearean fable 'What's in a name' to imply the importance of self-determination of one's identity and individuality.¹²⁹ It asserted that 'sustenance of identity is the filament of one's life.'¹³⁰ Thus, the right to assert one's identity, publicly or privately is understood as the mainstay of gender identity and sexual orientation. The Court based its decision on the principle of 'constitutional morality' that acts as a counter to majoritarian social morality that for instance maintained the status quo on caste-based norms.¹³¹

As has been shown, broadly, the right to change one's name has been understood by Indian courts in almost the same sense as it understands the right to determine one's gender orientation or sexual identity. This understanding in my view needs to be critiqued because the case of changing one's name to mask one's caste or religious identity is not equivalent to self-determining one's gender or sexual identity. The latter entails coming out whereas the former involves closeting back in.¹³² This act of closeting oneself is self-enforced by framing legal claims as an exercise of the right to identity. The act of coming out in the context of sexuality implies liberation and mobility whereas the act of coming out in the context of caste could have the opposite consequences.¹³³ One involves self-identification whereas the other entails self-*un-identification*.

¹²⁶*NALSA vs. Union of India* 2014 5 SCC 438.

¹²⁷*Ibid.*

¹²⁸*Navtej* (n 70).

¹²⁹*Ibid.*

¹³⁰*Ibid.*

¹³¹*Ibid.*

¹³²See Sumit Baudh (2024). The invisibilising of queer Dalits in Yashica Dutt's 2019 Memoir. *Frontline*, 12 January. <<https://frontline.thehindu.com/books/essay-sumit-baudh-invisibilising-of-queer-dalits-in-yashica-dutt-2019-memoir-coming-out-as-dalit-made-in-heaven-radhika-apte/article67733977.ece>> accessed 30 December 2025.

¹³³*Ibid.*

As the cases of *Sadanand* or *Md. Sameer Rao* demonstrate, the petitioners sought a change in their names or surnames to shield their true (albeit ascribed) identities from potential discrimination that they may be subjected to in the outside world, and it also implies yielding to majoritarian and dominant pressures of a caste-coded society. This need for changing one's name then becomes a strategy of survival through concealment. Therefore, does the 'right' to change one's name in such cases amount to the assertion of one's agency, individuality, and autonomy or does it signify the loss of one's dignity? If it signifies the latter, then it is the ancient conception of 'dignitas' based on rank and distinction which predominates over the modern conception of dignity that values human dignity equally. In the context of international human rights framework and the right to name, it may also be noted that rules have been framed in order to protect people's names that are indicative of their unique identities (such as indigenous identities) so as to arrest their forced assimilation into the prevailing dominant cultures.¹³⁴ This is in stark contrast with the Indian courts' interpretation of claims to change names which may inadvertently contribute towards forced assimilation without meaningfully altering the existing caste hierarchies. Essentially, the Court treats a claim to change one's name for astrological reasons¹³⁵ on the same plane as a claim to change one's name for reasons related to potential discrimination.

In the remarkable judgment delivered by the Supreme Court of India in *Sukanya Shantha vs. Union of India* (2024),¹³⁶ the Court articulated the 'right to overcome caste prejudices under Article 21.'¹³⁷ The case concerned the reinforcement of caste-based work in prisons based on the caste of the prisoners. The Court observed that 'Article 21 envisages the growth of individual personality' and 'caste prejudices and discrimination hinder the growth of one's personality.'¹³⁸ The Court recognized the perpetuation of caste-based stereotypes and the stigma arising due to it as being facets of such deep-rooted discrimination.¹³⁹ The Court observed that one can truly embrace their identity 'whether on the basis of caste, race, gender, sexual orientation, or ethnicity, only if they are given dignity.'¹⁴⁰

¹³⁴See Fernand de Varennes and Elżbieta Kuzborska (2015). Human rights and a person's name: Legal trends and challenges. *Human Rights Quarterly*, 37(4), 977. The Allahabad High Court referred to this article in *Md. Sameer Rao* but did not consider the dynamic of assimilation.

¹³⁵See *CBSE vs. Minor Raana Cariappa Kalianada* 2020 SCC OnLine Mad 22905.

¹³⁶*Sukanya Shantha vs. Union of India* (2024) 15 SCC 535.

¹³⁷Ibid.

¹³⁸Ibid.

¹³⁹See also Centre for Research and Planning, 'Report on Judicial Conceptions of Caste' (*Supreme Court of India*, November 2025) <<https://cdn.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2025/11/2025112146.pdf>> accessed 30 December 2025.

¹⁴⁰Ibid.

The Supreme Court in *Sukanya* rightly considered dehumanization based on caste-based identity as being unlawful, unequal, and unjust. In my view, this understanding is at odds with *Sadanand* where school-going children had to seek a change in their surname in order to protect themselves from caste-based discrimination by hiding their identity. It is questionable if the blanket interpretation of the right to change one's name as a facet of freedom of expression (Article 19) and right to life (Article 21) furthers the right to overcome caste prejudice, the growth of one's personality, or the embrace of one's identity or does it merely facilitate an escape from potential caste prejudice at the hands of societal powers by concealing one's caste. This begs another question: is it only the duty of the lower caste groups and individuals to overcome caste prejudice? The *right* to overcome caste prejudice in a scenario like *Sadanand* essentially translates into a one-sided *duty* to overcome caste prejudice. This potentially reinforces as Deshpande notes, the hyper-visibility of the lower castes and the invisibility of the upper castes due to which the very definition of caste has been 'truncated and equated with the lower castes' alone.¹⁴¹

Such a one-sided attempt was made in the case of *H. Santosh vs. The District Collector* (2025)¹⁴² where the petitioner wanted to raise his children in a 'casteless and religion free society' and claimed a 'no caste no religion' certificate to this effect.¹⁴³ The petitioner asserted that he had not availed any caste or religion-based benefits for himself or for his children and did not intend to do so in the future.¹⁴⁴ The Madras High Court upheld this claim as being a part of the guarantee of 'freedom of conscience' provided by Article 25 of the Constitution.¹⁴⁵ The Court elaborated that the right to profess religion in Article 25 also includes the right to not profess any religion or caste.¹⁴⁶ The Court observed that this was a 'laudable claim, which in the long run, would promote prohibition of caste-based discrimination and also would be an eye opener for like-minded citizens.'¹⁴⁷ In my view, a self-declared belief of not belonging to any caste or religion does not diminish the structural presence of caste or religion in any way. If such a declarant was born into an untouchable class, they would perhaps

¹⁴¹Satish Deshpande, 'Caste and Castelessness: Towards a Biography of the 'General Category'' (2013) 48(15) *Economic and Political Weekly* 32.

¹⁴²*H. Santosh vs. The District Collector* W.A. No. 401 of 2025, decided on 10.06.2025.

¹⁴³*Ibid.*

¹⁴⁴*Ibid.*

¹⁴⁵*Ibid.*

¹⁴⁶*Ibid.*

¹⁴⁷*Ibid.* Also see the increasing uptake of the 'No Caste' category. K. Shiva Shanker, '12 lakh people in Telangana opt for 'No Caste' in SEEEPC Survey-2024' (*The Hindu*, 17 April 2026) <<https://www.thehindu.com/news/national/telangana/12-lakh-people-in-telangana-opt-for-no-caste-in-seeepc-survey-2024/article70869408.ece>> accessed 18 April 2026.

simply be perceived as upper caste by others and hence they would at best avert discrimination at an individual level.

In recognizing acts of changing one's surname as an act of self-determination of identity, courts remarkably ignore the fact that such self-expression is also a signifier of symbolic violence. Bordieu explained symbolic violence to mean violence that is inflicted by dominant social norms in complicity with the sufferer to the extent that these dominant social norms are 'understood as natural and self-evident.'¹⁴⁸ These dominant norms manifest through culture, education, language, and other habits.¹⁴⁹ The need to adopt upper-caste or other supposedly 'dignified' surnames is essentially consenting to the acceptance of dominant norms on naming, with some names considered as dignified and some others considered as undignified according to the caste system.¹⁵⁰ The presumption of honour that inheres in upper caste surnames may thus be stated as a 'problem of false universals'¹⁵¹ where the upper-caste norms are subconsciously approved as the universal norms. As Parmar has noted, 'it is the affirmation of the importance of surname as symbolic capital that prompts many to change it.'¹⁵² In my view, such an adoptive strategy does not even lead to assimilation into the dominant caste cultures but merely reinforces the status of the untouchable as being a 'part apart' as Dr. Ambedkar had once remarked.¹⁵³ It may be worth noting that during the Mahad Satyagraha of 1927, Ambedkar had proposed that a law should be passed to prohibit the use of all class words such as Brahmin and Kshatriya¹⁵⁴ which has the potential to reduce the one-sided burden of the untouchables to do so and takes away the privilege attached with any kinds of caste names.

Concealment

Mariamamma is a goddess popularly worshipped in Karnataka. The myth of Mariamma entails Mariamma, an upper-caste woman who married a Dalit man with the latter having concealed his Dalit identity.¹⁵⁵ There are different stories around how the man's caste is suspect, for example, when he repairs his own torn footwear, has been hiding

¹⁴⁸See Dale Southerton (2011). Symbolic violence. In Dale Southerton (Ed.), *Encyclopedia of Consumer Culture Society*, vol. 3 (SAGE Publications) 1423.

¹⁴⁹See Pierre Bordieu (1977). *Outline of a theory of practice*. Cambridge University Press.

¹⁵⁰See Bhawani (n 37).

¹⁵¹*Deshpande* (n 141) 32.

¹⁵²*Parmar* (n 59).

¹⁵³Dr. Ambedkar had stated on his relationship with Hinduism: "I am not a part of the whole; I am a part apart." See Dr. B.R. Ambedkar, *On Participation in the War*, vol 2 (Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India 2014) 261.

¹⁵⁴*Ambedkar* (n 107) 24.

¹⁵⁵Rahamath Tarikere (2017). Inter-caste marriage and Shakya myths of Karnataka. *Economic and Political Weekly*, 52(42/43), 58, 58-59.

a piece of leather, or when the children have secretly been fed non-vegetarian food by the husband.¹⁵⁶ Upon the revelation of his identity, Mariamma attempts to kill him but the man enters the body of a buffalo to hide.¹⁵⁷ Mariamma kills the buffalo and later undergoes purification by fire to become a goddess.¹⁵⁸

As discussed previously in the article, revelation of one's caste can lead to a myriad of consequences. These consequences are not of modern-day making but as is evident from Mariamma's story, myths and counter-myths around caste passing are also telling. Mariamma's story involves the characterization of her Dalit husband's identity as deceitful and warranting punishment whereas it re-inforces the superiority of upper-caste identity, thereby reproducing caste. When Radhika Vemula's untouchable Mala caste was discovered by her husband who belongs to the dominant Vaddera caste, he became even more abusive towards her.¹⁵⁹ This discovery was characterized as an act of 'cheating' against the entire Vaddera community.¹⁶⁰

In the pre-independence case of *Queen vs. Puddomonie Boistobee* (1866),¹⁶¹ a person who induced a man to contract marriage with a woman whom he was made to believe was a brahmin was held liable for cheating under the criminal law provisions. In the case of *Queen vs. Dabee Singh* (1867),¹⁶² the facts involved a person who married off two lower caste girls to two Rajput men by fraudulently claiming that the women belonged to a higher caste. The Calcutta High Court convicted this person for the offence of cheating. In the case of *Empress vs. Sheoram* (1882),¹⁶³ the Allahabad High Court held the passing off of a young woman for marriage by projecting her as belonging to a higher caste as cheating by impersonation.

In the case of *G. V. Rao vs. L.H.V. Prasad* (2000),¹⁶⁴ a scientist of molecular biology had sought a bride from the same community as his (a forward community) through matrimonial advertisements. He then married a woman who he later found out had misrepresented herself as she belonged to a Scheduled Tribe community considered as

¹⁵⁶Ibid.

¹⁵⁷Ibid.

¹⁵⁸Ibid.

¹⁵⁹Radhika Vemula herself discovered her untouchable Mala identity at the age of 12 or 13. Radhika Vemula is the mother of Rohith Vemula who took his own life due to persistent caste-based discrimination. See Sudipto Mondal, 'Rohit Vemula: An Unfinished Portrait' (*Hindustan Times*) <<https://www.hindustantimes.com/static/rohith-vemula-an-unfinished-portrait/#:~:text=An%20unfinished%20portrait&text=In%20every%20field%2C%20in%20studies%2C,Photos%3A%20Sudipto%20Mondal>> accessed 30 December 2025.

¹⁶⁰Ibid.

¹⁶¹*Queen vs. Puddomonie Boistobee* ILR (1887) 2 Bombay 59.

¹⁶²*Queen vs. Dabee Singh* (1867) Weekly Reporter (Cr.) 55.

¹⁶³*Empress vs. Sheoram* (1882) 2 AWN 237.

¹⁶⁴*G. V. Rao vs. L.H.V. Prasad* 2000 (3) SCC 693.

backward and lower in the caste hierarchy. The petitioner accused his wife of criminal charges of cheating which the Supreme Court rejected. Relying on the above three precedents, the Court agreed that technically such deception could be interpreted as ‘cheating’ under the post-independence Indian criminal laws but did not adjudge the case to be one of cheating as it did not want to encourage such frivolous matrimonial disputes.¹⁶⁵ In other cases where matrimonial fraud has been claimed on the basis of concealing a material fact (such as concealing a disease, or caste, or religion), the Court has restrained itself from considering it as legally fraudulent.¹⁶⁶ However, the reasoning and underlying logic in these cases appears to be the protection of the institution of marriage.

Ambedkar in describing the strategy of adopting seemingly honourable caste names (protective discolouration) also reflected on its ultimate futility because ‘in the course of relentless questionings’ one is ‘run down to earth and made to disclose that he is an Untouchable.’¹⁶⁷ As Joel Lee states, ‘to “pass” is not to “be.”’¹⁶⁸ ‘To pass is not to commit to a social ontology, but to pretend to.’¹⁶⁹ It amounts to ‘inviting seeing without recognizing’ by ‘cultivating misrecognition.’¹⁷⁰

Article 17 of the Indian Constitution outlawed untouchability in 1949, the year in which the Constitution was adopted.¹⁷¹ Other provisions such as Article 15¹⁷² and Article 16¹⁷³ of the Constitution solidified the anti-discrimination framework by providing for the right to representation and other enabling measures in education and employment. Khaitan has explained that while formulating anti-discrimination laws based on protected characteristics, the factors of passing, hiding, or assimilating are taken into account.¹⁷⁴ The need to pass, hide, or assimilate to avoid being subjected to prejudice amount to indirect coercion and interference with one’s freedom.¹⁷⁵ Even the

¹⁶⁵Ibid. However, in contrast, recently, a family court in Gujarat allowed a woman to claim divorce from her husband on the ground that he hid his sister’s inter-caste marriage from her. The Gujarat High Court has issued notice in this regard, and the case is still pending. See Saeed Khan, ‘Hiding Sister’s Inter-Caste Marriage is Cruelty: Court’ (*The Times of India*, January 2025) <<https://timesofindia.indiatimes.com/india/hiding-sisters-inter-caste-marriage-is-cruelty-court/articleshow/117100514.cms>> accessed 18 April 2026.

¹⁶⁶See *A. Premchand vs. P. Padmapriya* AIR 1997 MAAD 135.

¹⁶⁷Ambedkar (n 41) 420.

¹⁶⁸Joel Lee (2015). *Recognition and its shadows: Dalits and the politics of religion in India*. Columbia University, 293.

¹⁶⁹Ibid.

¹⁷⁰Joel Lee, (n 22) 261.

¹⁷¹See Article 17 of the Constitution of India, 1949.

¹⁷²See Article 15 of the Constitution of India, 1949.

¹⁷³See Article 16 of the Constitution of India, 1949.

¹⁷⁴See Tarunabh Khaitan (2015). *A theory of discrimination law*. Oxford University Press.

¹⁷⁵Ibid., p. 99.

likelihood of fear of such interference with asserting one's identity for instance would indicate a state of being un-free and thus forming justification for anti-discrimination laws.¹⁷⁶ Such interference with identity-based freedom may distort one's perception of the self and consequently affect one's self-respect and well-being.¹⁷⁷ The background justification behind anti-discrimination laws is to avert forced cultural assimilation, to avert the need to pass or conceal one's identity. However, in my view, the courts incoherently equate the need to hide caste through re-naming of the self with the right to self-determination/identity under Articles 19 and 21, thus ignoring the background justifications for broader anti-discrimination laws which also form part of the Constitutional framework of fundamental rights.

Losing one's name does not necessarily amount to losing one's caste. This can also be corroborated through court decisions on the possibility of regaining caste when Scheduled Caste persons reconvert back to Hinduism, Buddhism, or Sikhism from any other religion.¹⁷⁸ In *Mohammad Sadique vs. Darbara Singh Guru* (2016), the Supreme Court held that a person can change their religion but not their caste as caste is a birth-based status and as a corollary a person who has converted to another religion need not change their name in order to depict the change of religion.¹⁷⁹ Similarly, converting to another caste by marriage is also prohibited.¹⁸⁰

Therefore, in my view, at best, the courts' interpretation of the right to change one's name in the context of caste merely amounts to the right to pass or conceal one's caste/identity. In my view, it does not signify the right to determine one's identity as is applicable in the context of gender identity and sexual orientation. One may rightfully exercise their autonomy to forget their caste, or to renounce their belief in caste, or commit to confusing people about their caste, but it is questionable if caste can forget them or accept their renunciation or yield to such disruption without the structural annihilation of caste. The changing of names is therefore of limited consequence as it does not annihilate or substantially change the entrenched caste structures.

Conclusion

In the recent film *Homebound* (2025), in a very poignant scene, the character of Chandan describes how the concealment of his caste identity leads to him feeling distanced from himself whereas its revelation leads to him feeling distanced from the society at large. In one study, a Dalit interviewee who was masquerading as a brahmin by using a brahmin surname reported feeling guilty for 'philosophically cheating.'¹⁸¹

¹⁷⁶Ibid., pp. 100-101.

¹⁷⁷Ibid., p. 107.

¹⁷⁸See for example *G. M. Arumugam vs. S. Rajgopal* 1976 AIR 939.

¹⁷⁹See for example *Mohammad Sadique vs. Darbara Singh Guru* (2016) 11 SCC 617.

¹⁸⁰See *Sunita Singh vs. State of Uttar Pradesh* Civil Appeal No. 487 of 2018.

¹⁸¹See *Lum* (n 56) 120, 144. See also *Pathania* (n 57).

Du Bois described this in the context of race as ‘double consciousness’ which is a ‘sense of always looking at one’s self through the eyes of others.’¹⁸² Fanon has described the adoption of white cultures by a black person as ‘a constant effort to run away from his own individuality, to annihilate his own presence’¹⁸³ that reinforces the inferiority of the black person and the superiority of the white person, thus thrusting the black person into a ‘neurotic situation.’¹⁸⁴ He advocates for ‘reciprocal recognitions’ even if it comes at the cost of conflict.¹⁸⁵ On the question of dignity, Fanon maintains that when in the emulation of white cultures by the blacks, the latter had essentially embraced ‘white dignity’ and consequently there was no need to achieve true dignity at all.¹⁸⁶ Fanon, like Ambedkar characterizes this as ‘fraud of the black world.’¹⁸⁷

In 2016, a private member’s bill called ‘The Use of Surname (Prohibition) Bill, 2016’ was introduced in the Indian Parliament ‘in order to eradicate caste identities and the discriminations associated herewith.’¹⁸⁸ At the first self-respect conference held by E.V. Periyar in 1929, a resolution was passed to drop caste-titles, that is, surnames in order to prevent discrimination on the basis of names.¹⁸⁹ On the other hand, despite these continuing practices and anti-caste assertions, the State of Tamil Nadu has witnessed some of the worst caste-based atrocities and honor killings that parallelly continue till date.¹⁹⁰

In 2014, a case was reported where a father filed a case against his son to prohibit him from using their family surname ‘Sharma’ as he had married a lower caste girl.¹⁹¹ Additionally, the father demanded compensation in copyright fees if the son used the surname.¹⁹² If caste names are property like Ambedkar interpreted, the adoption of an upper caste name by an untouchable may philosophically or socially amount to

¹⁸²W.E.B. Du Bois (2007). *The souls of Black folk*. Oxford University Press, 8.

¹⁸³Frantz Fanon (1986). *Black skin, white masks*. Pluto Press, 60.

¹⁸⁴Ibid., p. 100.

¹⁸⁵Ibid.

¹⁸⁶Ibid., p. 52.

¹⁸⁷Ibid., p. 229

¹⁸⁸See The Use of Surname (Prohibition) Bill, 2016.

¹⁸⁹Manuraj Shunmugasundaram (2018). All in your name: on caste titles and privilege. (*The Hindu*, 12 October) <<https://www.thehindu.com/opinion/op-ed/all-in-your-name/article22986770.ece>> accessed 29 December 2025.

¹⁹⁰See K. Chandru (2025). Is there any Honour in Killing?. (*Frontline*, 6 April 2025) <<https://frontline.thehindu.com/politics/honour-killings-tamil-nadu-intercaste-laws/article69902087.ece>> accessed 18 April 2026.

¹⁹¹See Mridula Chari (2014). Son marries outside caste, father files copyright case protecting use of family name. *The Scroll*, 24 January. <<https://scroll.in/article/654627/son-marries-outside-caste-father-files-copyright-case-protecting-use-of-family-name>> accessed 27 December 2025.

¹⁹²*Parmar* (n 59) 220.

‘stealing’ of caste,¹⁹³ the discovery of which may amount to a social fraud or bring unfavourable social consequences.

Caste is a relational identity where a Dalit exists in relation to a brahmin and vice-versa. Despite the abolition of untouchability through the Indian Constitution and provision of affirmative action, enactment of special criminal laws, caste hierarchies have not withered away, rather, due to the pressures of modernity and laws of this nature, caste-rudeness has merely converted to ‘Hindu politeness.’¹⁹⁴ Caste concealment may provide a layer of protection from caste atrocities and protection from the ‘ordeal of being constantly marked’,¹⁹⁵ but it does not actually change one’s caste identity or ‘*pahchan.*’ For various social (ex. Marriage, burial, food cultures etc.) and legal purposes (ex. Census classification, contesting elections, availing reservations, accessing welfare schemes etc.), one’s pre-assigned caste continues to matter. Adopting concealment strategies may therefore distort one’s social reality more than transforming or reconstructing it more meaningfully. While the claims to change names may be viewed as an exercise of autonomy, the normativization of the same through laying down of the law on the matter signals that the enjoyment of basic fundamental freedoms in Indian society depends on concealment. Yoshino similarly problematizes the need to ‘cover’ one’s identitarian traits as having an under-recognized impact on access to basic civil rights.¹⁹⁶

Changing one’s name is an individualistic and pragmatic strategy that simultaneously enables the reclamation of one’s human personality but also ‘implicitly legitimizes the hierarchical nature of caste inequality.’¹⁹⁷ The critique articulated in this article is not to place blame on the individual for seeking change, rather it is to underscore the limitations of this technique. Until caste structures are not disturbed substantially, there is a high probability that the politics of knowing will continue to impede the recognition of a human being beyond one’s caste identity.¹⁹⁸ In keeping with Dr. Ambedkar’s vision of annihilation of caste, the goal should be to transcend caste-identities entirely instead of obscuring or masking them. If anything demands annihilation, it is caste first and not the names that seek to escape it.

¹⁹³See Joel Lee and K. Satyanarayana (2023). *Concealing caste: Narratives of passing and personhood in Dalit literature*. Oxford University Press, 4.

¹⁹⁴See Suryakant Waghmore (2017). From hierarchy to Hindu politeness. In Surinder S. Jodhka and James Manor (Eds.), *Contested hierarchies, persisting influence: Caste and power in twenty-first century India*. The Orient Blackswan. See also *Bhawani* (n 37).

¹⁹⁵*Lee and Satyanarayana* (n 193) 21.

¹⁹⁶See Kenji Yoshino (2006). *Covering: The hidden assault on our civil rights*. Random House Trade.

¹⁹⁷*Parmar* (n 59) 231.

¹⁹⁸See Jadumani Mahanand (2024). When they know us: Do Dalit lives matter?. *South Asia: Journal of South Asian Studies*, 47(1), 1.

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