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The Biopolitical Entrapment of Identity in the Bihar Census

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ABSTRACT

The Bihar caste census, aimed at social justice, paradoxically entrenches caste as a permanent administrative identity, transforming the state into a new Brahmin that dictates caste identity through bureaucratic classifications. This paper argues that the census functions as a form of biopolitical entrapment—an extension of Foucault’s theory of biopolitics—where caste is not merely documented but structurally imposed, replicating colonial-era caste enumeration tactics. By institutionalizing caste identity, the census contradicts both Ambedkarite philosophy and constitutional mandates, which envisioned caste’s gradual erasure rather than its administrative reinforcement. Further, this enforced caste identity violates Article 21 of the Indian Constitution, as lacks an exit mechanism, thereby undermining dignity and personal liberty.

I. INTRODUCTION

Caste has historically functioned as a social institution,² but modern governance has turned it into an administrative identity marker category that dictates access to resources, representation, and recognition. The Bihar caste census, presented as a tool for social justice,³ paradoxically reinforces caste identity by making it an unavoidable bureaucratic identity. Instead of facilitating caste’s eradication, the census entrenches caste as a permanent category of governance, compelling individuals to interact with the state through caste.⁴

This paper argues that the Bihar caste census is a method of biopolitical entrapment—a process where individuals are structurally coerced into state-recognized caste identities, without any real possibility of exit. Drawing on Foucault’s theory of biopolitics,⁵ the paper demonstrates how the State does not merely document caste but assumes the role of a new

¹ Author is a Student at National University of Juridical Sciences, India.

² M. N. Srinivas, *CASTE IN MODERN INDIA AND OTHER ESSAYS* (Asia Publishing House, 1962).

³ *Bihar Caste-Based Survey Report*, Government of Bihar, 2023.

⁴ Dipankar Gupta, *INTERROGATING CASTE: UNDERSTANDING HIERARCHY AND DIFFERENCE IN INDIAN SOCIETY* (Penguin Books India, 2000); Gopal Guru & Sundar Sarukkai, *THE CRACKED MIRROR: AN INDIAN DEBATE ON EXPERIENCE AND THEORY* (Oxford University Press, 2012).

⁵ Michel Foucault, *THE HISTORY OF SEXUALITY, VOLUME 1: AN INTRODUCTION*, (translated by Robert Hurley, New York: Pantheon, 1978) (‘The History of Sexuality’); Michel Foucault, *THE BIRTH OF BIOPOLITICS: LECTURES AT THE COLLÈGE DE FRANCE, 1978–79*, (translated by Graham Burchell, London: Palgrave Macmillan, 2008) (‘The Birth of Biopolitics’).

Brahminical authority. The historical precedent for this phenomenon lies in the British colonial caste census, which bureaucratized caste and transformed it from a fluid social identity into a rigid administrative category. The Bihar census replicates this colonial logic, replicates these historical mechanisms of entrapment rather than dismantling them.

Furthermore, this census contradicts Ambedkar's vision of caste annihilation, which required caste to disappear, and not reinforced. The constitutional framework also rejects caste as a permanent category, offering no protection for caste identity while mandating its gradual erasure.⁶ Finally, caste enumeration violates fundamental rights, particularly the right to dignity and autonomy under Article 21, by forcing individuals to adopt a caste identity with no mechanism for renunciation, entrapping individuals in caste identities they may want to abandon.

Part II establishes that the Bihar caste census is a method of biopolitical entrapment where the state assumes the role of the Brahmin in enforcing caste identity. **Part III** demonstrates that institutionalizing caste through biopolitical entrapment directly contradicts Ambedkarite and constitutional ideals. **Part IV** argues that this biopolitical entrapment violates Right to life and dignity, as it structurally denies individuals the possibility of caste exit.

II. THE STATE AS THE NEW BRAHMIN

A. Foucault's Biopolitics

Traditionally, state power revolved around punishing offenders through repressive means. With time, this power has moved from one of punishment to one of control. In the modern world, state power comes from regulation of day-to-day life.⁷ Foucault argues that modern states exert power not just through laws and punishment but by categorizing, surveilling, and administering populations.⁸ He called this power, *Biopolitics*—the regulation of life through statistical analysis, policy interventions and demographic governance.⁹

Identity markers, like, race, religion, gender, etc., are codified into bureaucratic systems.¹⁰ Once categorized, populations become subjects of state intervention through targeted welfare schemes.¹¹ While these policies aim to correct historical wrongs, they ensure the permanence

⁶ Surinder S. Jodhka, *CASTE IN CONTEMPORARY INDIA* (Routledge, 2015)

⁷ Agamben, Giorgio, *HOMO SACER: SOVEREIGN POWER AND BARE LIFE*, (Stanford University Press, 1998).

⁸ Michel Foucault, *SECURITY, TERRITORY, POPULATION: LECTURES AT THE COLLÈGE DE FRANCE, 1977–78*, (translated by Graham Burchell, London: Palgrave Macmillan, 2007).

⁹ The Birth of Biopolitics, *supra* note 4.

¹⁰ Dirks, Nicholas B, *CASTES OF MIND: COLONIALISM AND THE MAKING OF MODERN INDIA*, (Princeton University Press, 2001).

¹¹ Akhil Gupta, *RED TAPE: BUREAUCRACY, STRUCTURAL VIOLENCE, AND POVERTY IN INDIA*, (Duke University Press, 2012).

of these categories, making the identity marker a prerequisite for state support rather than a social system.¹² The state, through biopolitics, does not just rule people—it dictates how they must classify themselves.

For instance, South Africa's apartheid-era Population Registration Act,¹³ categorized people into rigid racial identities that dictated access to housing, jobs and rights.¹⁴ This is a classic example of how the state normalized racial identity, embedding it into everyday governance, not just as a social fact but as a state-imposed reality that dictated their position in society. Another example is how the United States embedded racial classification into governance through the census and Jim Crow laws.¹⁵

B. The British Caste Census

Foucault emphasized that biopolitics thrives on data collection and classification—case in point: British colonial caste census. The 1901 caste census imposed a rigid caste hierarchy on Indian society.¹⁶ Before the British rule, caste was not a rigid, pan-India system but a fluid local structure.¹⁷ Society functioned through thousands of *jatis*, moving beyond the four *varnas*, which were not always hierarchical.¹⁸ Moreover, regional variation played a huge role; a *jati* considered “upper” in one area might be “lower” in another.¹⁹ There was also scope for caste mobility.²⁰

British administration influenced by European racial theories, failed to understand caste as dynamic social identity.²¹ They sought to classify and control Indian society. Castes were ranked in order of social precedence, enforcing a hierarchy.²² This created a fixed, bureaucratic caste identity. Once caste becomes a bureaucratic identity, individuals are

¹² *Id.*

¹³ The Population Registration Act, 1950, (South Africa).

¹⁴ Deborah Posel, *Race as Common Sense: Racial Classification in Twentieth-Century South Africa*, Vol. 44(2), *AFRICAN STUDIES REVIEW*, 87–113 (2001).

¹⁵ Melissa Nobles, *SHADES OF CITIZENSHIP: RACE AND THE CENSUS IN MODERN POLITICS* (Stanford University Press, 2001).

¹⁶ Dipesh Chakrabarty, *PROVINCIALIZING EUROPE: POSTCOLONIAL THOUGHT AND HISTORICAL DIFFERENCE*, (Princeton University Press, 2000).

¹⁷ Nicholas Dirks, *CASTES OF MIND: COLONIALISM AND THE MAKING OF MODERN INDIA* (2001); Bernard S. Cohn, *The Census, Social Structure and Objectification in South Asia* IN *AN ANTHROPOLOGIST AMONG THE HISTORIANS AND OTHER ESSAYS*, (Oxford University Press, 1987).

¹⁸ Bernard S. Cohn, *The Census, Social Structure and Objectification in South Asia* IN *AN ANTHROPOLOGIST AMONG THE HISTORIANS AND OTHER ESSAYS*, (Oxford University Press, 1987); Susan Bayly, *CASTE, SOCIETY AND POLITICS IN INDIA FROM THE EIGHTEENTH CENTURY TO THE MODERN AGE* (Cambridge University Press, 1999).

¹⁹ *Id.*

²⁰ Susan Bayly, *CASTE, SOCIETY AND POLITICS IN INDIA FROM THE EIGHTEENTH CENTURY TO THE MODERN AGE* (Cambridge University Press, 1999).

²¹ Dipesh Chakrabarty, *PROVINCIALIZING EUROPE: POSTCOLONIAL THOUGHT AND HISTORICAL DIFFERENCE*, (Princeton University Press, 2000).

²² *Id.*

compelled to engage with the state through their caste. This leads to individuals internalizing caste as an unavoidable part of their bureaucratic existence. This is what Foucault calls *biopolitical entrapment*.²³

Historically, caste identities were perpetuated by social institutions. The modern state by enumerating caste, takes over this role, making caste into not only a social but bureaucratic identity. The state becomes the *new Brahmin* enforcing caste through paperwork rather than religious doctrine. The more the state intervenes to categorize the population, the more it reproduces caste as a necessary state category.²⁴

A Foucaultian analysis of caste census reveals that it is not a neutral exercise of data collection, instead a power instrument of state control over identity. Caste census is not an instrument of caste annihilation, but a biopolitical trap that entrenches caste within the very structure of governance.

III. CASTE WAS MEANT TO BE FORGOTTEN

A. Ambedkar's Evolving View on Caste Enumeration

Ambedkar argued that caste should not be just reformed or managed; instead it should be completely erased from social consciousness. He saw caste as a structural evil that should be weakened through structural reform not institutionalized.²⁵ He asserts that caste persists because it is constantly taught, remembered and institutionalized.²⁶ The only way to annihilate caste would be to erase the social structures that keep it alive, meaning caste should not be counted, documented, or reinforced through governance.²⁷

It might be argued that Ambedkar was a supporter of caste-based census including Risley's 1901 census. It is important to understand here that, Ambedkar's initial support for caste enumeration as evidenced by his writings,²⁸ was shaped by the socio-political realities of his time rather than an endorsement of caste as an administrative category. His later writings, show that he viewed caste enumeration as a double-edged sword that could enable social justice but risk solidifying caste consciousness.²⁹ Ambedkar's philosophy maintains that caste

²³ The Birth of Biopolitics, *supra* note 4.

²⁴ Satish Deshpande, CONTEMPORARY INDIA: A SOCIOLOGICAL VIEW (Penguin India, 2003)

²⁵ B. R. Ambedkar, ANNIHILATION OF CASTE. (Navayana, 2015) ('Annihilation of Caste').

²⁶ B. R. Ambedkar, STATES AND MINORITIES: WHAT ARE THEIR RIGHTS AND HOW TO SECURE THEM IN THE CONSTITUTION OF FREE INDIA? (Siddharth Book, 2008).

²⁷ *Annihilation of Caste*, *supra* note 24.

²⁸ B. R. Ambedkar, THOUGHTS ON THE LINGUISTIC STATES (1955); B. R. Ambedkar, UNTOUCHABLES OR THE CHILDREN OF INDIA'S GHETTO (1935).

²⁹ *Annihilation of Caste*, *supra* note 24.

must become irrelevant, unspoken and ultimately forgotten.³⁰ Caste census defeats this ideology because measuring and analyzing caste only ensures that it remains a central axis of identity.

Moreover, he believed that caste census could not function as a neutral data-collection practice in India. He writes, “Census in India is deliberately cooked for securing political advantages which numbers give”.³¹ Ambedkar never envisioned a permanent, state-controlled caste classification system. He also warned against the politicization of caste census.³² As he feared, the state’s role in caste enumeration is not neutral—it actively defines, enforces and manages caste identity. The state acts like a Brahminical authority that controls identity rather than allowing individuals to define themselves.³³ If caste is to be annihilated, then politicizing caste—making it a central axis of electoral strategy, governance and policy—directly contradicts this goal.

Ambedkar’s vision of caste annihilation demanded the gradual erosion of caste consciousness, not its reinforcement through state mechanisms.³⁴ By cementing caste as a fixed identity—rather than a social construct to be dismantled—the Bihar caste census contradicts his goal of eliminating caste-based divisions. Instead of weakening caste’s grip on society, it legitimizes and perpetuates its role in governance, working against Ambedkar’s aspiration for a casteless society.

B. The Constitutional Framework of caste

Caste is one of the central themes of the Indian social context, and the same is mirrored in the Constitution of India (COI). “Caste is subject to constitutional intervention, not preservation”.

Fundamental Rights prohibit caste-based discrimination, abolish untouchability, and allow affirmative action to address historical injustice, but at the same time does not offer protection of caste identity. The explicit mentions of caste in Article 15(1),³⁵ and Article 16(4),³⁶ show that the framers were completely aware of caste realities, however they did not include a protection provision.

The COI provides specific protection for religious and linguistic identities under Article 25-

³⁰ Christophe Jaffrelot, *DR. AMBEDKAR AND UNTOUCHABILITY: FIGHTING THE INDIAN CASTE SYSTEM* (Columbia University Press, 2005).

³¹ B. R. Ambedkar, *MR GANDHI AND EMANCIPATION OF THE UNTOUCHABLES* (1943).

³² A Note on the meeting between Dr. B. R. Ambedkar and Field Marshal Viscount Wavell on April 5, 1946, Vol. 17(2) Dr. Babasaheb Ambedkar: Writings and Speeches (2020).

³³ See *supra* Part II.B. on “Biopolitical Entrapment of Identity in the Bihar Census”.

³⁴ Anupama Rao, *THE CASTE QUESTION: DALITS AND THE POLITICS OF MODERN INDIA* (University of California Press, 2009).

³⁵ The Constitution of India, 1950, Art. 15(1).

³⁶ The Constitution of India, 1950, Art. 16(4).

30, yet there is no such provisions for case. This omission is deliberate and showcases constitutional intent.³⁷ The absence of positive protection signals that caste is not meant to be preserved as a community identity. The constitution acknowledges caste, with the intent of future erasure, not perpetuation. A former Chief Justice of the Supreme Court (SC) opined, “Religious freedom under Article 25 is protected to maintain pluralism; caste is not similarly preserved because it is a hierarchical system meant to be dismantled”.³⁸

The SC has time and again opined that caste is not meant to be a permanent identity, and favoured a shift to economic criteria for affirmative action, arguing that caste is not meant to be an eternal marker of governance, and caste-based policies should be phased out.³⁹

The Bihar caste census, by formally codifying caste identity under state authority, runs counter to this constitutional vision.⁴⁰ Rather than treating caste as a system to be dismantled, it entrenches caste as a permanent category, reinforcing the very social divisions the Constitution seeks to eliminate.

C. Global Practices

Modern democracies have adopted race-blind policies and sunset clauses to ensure that identity-based action remains temporary and does not entrench division. This reflects the idea that historical injustice requires correction and not perpetual recognition.

France,⁴¹ and Germany,⁴² have adopted a policy of color-blind universalism by banning ethnicity-based classifications. South Africa, after the fall of apartheid, implemented race-based affirmative action through Black Economic Empowerment Policies. These policies include mandatory periodic reviews to determine whether racial quotas remain necessary.⁴³ Brazil has similar racial quotas with 10-year review mechanisms, to ensure that racial identities are not enforced as permanent categories.⁴⁴

³⁷ Arvind Narrain, DOES THE CONSTITUTION REQUIRE A CASTELESS SOCIETY? (The Hindu, 2018).

³⁸ P.B. Gajendragadkar (Former CJI, 1965).

³⁹ State of Kerala v. N.M. Thomas (1976) 2 SCC 310; Indra Sawhney v. Union of India (1992) Supp (3) SCC 217; Jarnail Singh v. Lachhmi Narain Gupta (2018) 10 SCC 396; Champakam Dorairajan v. State of Madras (1951) SCR 525.

⁴⁰ Marc Galanter, COMPETING EQUALITIES: LAW AND THE BACKWARD CLASSES IN INDIA (Oxford University Press, 1984).

⁴¹ The French Data Protection Law (Loi Informatique et Libertés), 1978, §1, (France).

⁴² Grundgesetz, The Constitution of the Federal Republic of Germany, 1949, Art.3.

⁴³ The Broad-Based Black Economic Empowerment Act, 2003, § 9(2), (South Africa).

⁴⁴ The Quota Law (Law No. 12,711), 2012, Article 7, (Brazil).

IV. THE CONSTITUTIONAL ILLEGITIMACY OF CASTE ENTRAPMENT: LACK OF AN EXIT MECHANISM

A. Hirschman's Exit, Voice, and Loyalty: The Entrapment of Caste Identity

According to Hirschman, individuals dissatisfied with an institution or an identity can either exit (i.e., leave the system); voice (i.e., demand reforms); or remain loyal (i.e., accept their position).⁴⁵ When applied to caste, the census fundamentally undermines the exit option, limits the effectiveness of voice and reinforces loyalty.

In Hirschman's model, exit is the most powerful tool for individuals trapped in oppressive systems.⁴⁶ The tool to abandon an identity that no longer serves them. However, caste fundamentally lacks an exit mechanism. Caste is ascriptive, not voluntary.⁴⁷ There is no mechanism to renounce caste identity in any legal or administrative sense. The caste census institutionalizes caste, further removing any theoretical possibility of exit, forcing individuals to remain in its framework.

Hirschman suggests that individuals who cannot exit must rely on voice—expressing dissent to reform the system.⁴⁸ However, in the case of caste, the caste census turns voice into a tool for reinforcement rather than change. Since caste is the unit of political and administrative bargaining power, individuals have no choice but to articulate their concerns through caste identity, further legitimizing it. This distorts the role of voice: rather than dismantling caste, it compels individuals to engage with it, strengthening the very system they may want to escape.

Loyalty is the last resort, ensuring people stay within a system even when they might prefer to leave.⁴⁹ When exit and effective voice are denied, individuals are forced into loyalty, leading to identity entrapment, meaning that even those who wish to reject caste must still identify within it. This creates Hirschman's worst-case scenario—loyalty enforced by the system's elimination of alternatives.

B. Violation of Right to life and dignity

Caste is an ascriptive identity—one that is imposed at birth and lacks any formal legal mechanism for renunciation.⁵⁰ A caste census, by mandating individuals to be categorized within this framework, violates Article 21 precisely because caste does not allow for self-

⁴⁵ Albert O. Hirschman, *EXIT, VOICE, AND LOYALTY: RESPONSES TO DECLINE IN FIRMS, ORGANIZATIONS, AND STATE*, (Harvard University Press, 1970) ('Exit, Voice and Loyalty').

⁴⁶ *Id.*

⁴⁷ M. N. Srinivas, *CASTE IN MODERN INDIA AND OTHER ESSAYS* (Asia Publishing House, 1962).

⁴⁸ Exit, Voice and Loyalty, *supra* note 44.

⁴⁹ *Id.*

⁵⁰ M. N. Srinivas, *CASTE IN MODERN INDIA AND OTHER ESSAYS* (Asia Publishing House, 1962).

determination or exit. Unlike religion, where Article 25 guarantees the right to conversion,⁵¹ or gender, where the SC in *National Legal Services Authority v. Union of India* ('NALSA') upheld the right to self-identification,⁵² caste remains an inelastic, permanent and legally inescapable. By mandating caste enumeration without providing an exit mechanism, the caste census violates Article 21's guarantees of autonomy and dignity, as it forces individuals to engage with an identity they may wish to reject but cannot legally erase.

In NALSA, the SC held that the right to determine one's identity is a fundamental aspect of personal autonomy and dignity under Article 21.⁵³ The Court recognized that the state cannot impose rigid identity markers on individuals without their consent, especially when such markers have social, political, and economic consequences.⁵⁴ The SC ruled that identity is not a matter of state recognition but of personal determination.⁵⁵ Compelled state classification is unconstitutional if it violates a person's self-perceived identity or fails to provide an option to opt out of an imposed category.⁵⁶ These principles are not confined to gender alone—they represent a broader constitutional commitment to self-determination of identity.

The caste census, by compelling individuals to disclose their caste and reinforcing it as a fixed identity, directly contradicts the autonomy-based reasoning of NALSA. Without an exit mechanism, individuals who wish to reject caste identity are coerced into a state-mandated classification, violating their Article 21 rights. An individual who wishes to reject caste has no legal option to do so within the framework of state enumeration. This is analogous to forcing a person into a gender category without their consent, which NALSA explicitly held to be unconstitutional. The Court ruled that individuals should not be compelled to conform to gender binaries. Similar reasoning can be applied to caste, individuals should not be compelled to engage with caste identity if they wish to reject it.

The caste census normalizes caste as a lifelong identity, making it an inescapable category, thereby coercing individuals into a state-mandated classification. This directly contradicts the right to autonomy and dignity under Article 21, as interpreted in NALSA.

V. CONCLUSION

If the Bihar caste census reinforces caste rather than erasing it, the challenge is to rethink enumeration in a way that aligns with constitutional and Ambedkarite imperatives. The

⁵¹ The Constitution of India, 1950, Art. 25.

⁵² *National Legal Services Authority v. Union of India*, (2014) SC 1863.

⁵³ *Id.*, ¶¶ 68–69.

⁵⁴ *Id.*, ¶ 74.

⁵⁵ *Id.*, ¶ 70.

⁵⁶ *Id.*, ¶¶ 62–66.

solution is not to ignore caste but to ensure that state classification does not transform it into an inescapable, legally entrenched identity. If the state must engage with caste, it must do so with the explicit goal of dismantling its structural hold.

One way to achieve this is by allowing individuals the Right to legally renounce caste, much like religious conversion under Article 25, ensuring that caste is not an immutable identity. Further, caste-based enumeration must not be permanent; without a sunset framework, the logic of caste abolition collapses into caste management. Comparative legal frameworks, such as France and Germany's rejection of racial categorization in governance, demonstrate that states can acknowledge historical injustice without making identity a lasting bureaucratic category. The Supreme Court has already recognized the need for caste-based policies to evolve—decisions such as *Indra Sawhney* indicate that caste cannot be a permanent axis of governance, and a transition toward economic and social indicators remains imperative. The Bihar caste census, in contrast, moves in the opposite direction, embedding caste as an administrative necessity rather than a social construct to be dismantled. If caste is to be counted today, it must be with the explicit constitutional commitment that it will not need to be counted tomorrow.
