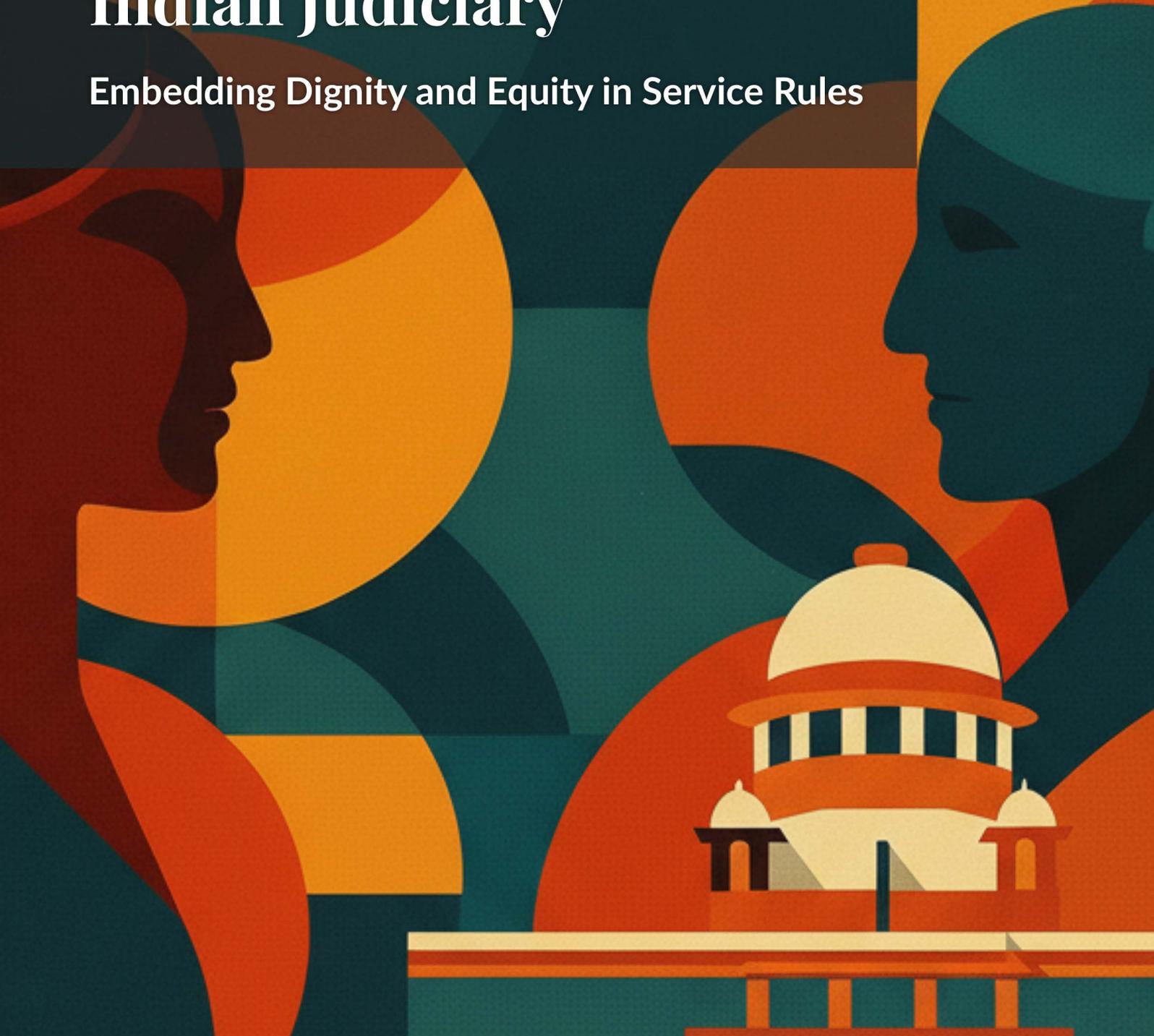




Reforming Administrative Nomenclature in the Indian Judiciary

Embedding Dignity and Equity in Service Rules



Prepared by

Centre for Research and Planning
SUPREME COURT OF INDIA

November, 2025



B. R. GAVAI
CHIEF JUSTICE OF INDIA

Dear Chief Justice,

I am forwarding a copy of the recent report titled "Reforming Administrative Nomenclature in the Indian Judiciary: Embedding Dignity and Equity in Service Rules", prepared by the Centre for Research and Planning, Supreme Court of India.

This report examines the service rules of various High Courts and identifies several archaic, hierarchical, or insensitive terms that continue to be used in official nomenclature. These expressions do not align with the vision of dignity, equality, and inclusiveness that the Constitution embodies. The continued use of such terminology, often inherited from colonial administrative practices, has the unintended effect of normalising outdated hierarchies and undermining the respectful work culture that the judiciary must uphold.

Given the judiciary's role as a constitutional sentinel and model institution, it is imperative that our internal administrative practices reflect the same values we expect the rest of the State to follow. Updating nomenclature is a small but significant step towards affirming the worth of every individual working within the judicial system, regardless of rank or role.

I would, therefore, encourage your High Court to review the terms highlighted in the report and initiate appropriate amendments to the service rules at the earliest.

With Regards,

(B. R. Gavai)

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**REFORMING ADMINISTRATIVE NOMENCLATURE IN THE INDIAN
JUDICIARY: EMBEDDING DIGNITY AND EQUITY IN SERVICE RULES**

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REFORMING ADMINISTRATIVE NOMENCLATURE IN THE INDIAN JUDICIARY: EMBEDDING DIGNITY AND EQUITY IN SERVICE RULES

Executive Summary

Despite the existence of ideals and aspirations of the Indian Constitution, the prevalence of caste-coded, colonial, and hierarchical administrative nomenclature in the Conditions and Services Rules of the Supreme Court and High Courts uncovers *a stark paradox*. While the Constitution guarantees equality, dignity, and fraternity, the very institutions meant to uphold these values continue to operate with an administrative lexicon that perpetuates inequality and reinforces servitude and exclusion. Prevalence of terms such as “*Jamadar*”, “*Halalkhor*”, “*Scavenger*”, “*Peon*”, “*Sewak*” in the administrative lexicon is in direct contravention of Articles 14, 15, 16, 17, and 21, and it also re-inscribes institutional inequality and naturalises practices linked to untouchability.

The Report argues that the prevalent administrative nomenclature is not merely a part of bureaucratic language but an active ‘*discursive mechanism*’ that shapes perception, recognition, and legitimacy.¹ These linguistic relics of the hierarchical past become a tool of ‘*symbolic violence*’, a process through which domination is ‘*misrecognised*’ as legitimate social order.² It also ‘*naturalises*’ caste-based servitude.

Grounded in a qualitative-analytical methodology, the Report draws upon the following four primary datasets:

1. Extensive analysis of the Supreme Court and High Court Conditions and Service Rules;
2. Relevant constitutional provisions, jurisprudence, and precedents concerning equality, dignity, and fraternity;

¹ Drawn from the works of Michel Foucault and Norman Fairclough, *Discursive Mechanism* analyses how institutional languages produces and legitimises the relations of power. Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* (Pantheon Books, New York, 1972). Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

² *Symbolic violence* is the imposition of a particular worldview by an institution with the symbolic power “*of constructing reality*.” Pierre Bourdieu, “The Economy of Linguistic Exchanges,” in John B. Thompson (ed.), *Language and Symbolic Power* 23, 24, 166, 170 (Polity Press, Cambridge, 1991).

In this Report, the institutional use of derogatory nomenclature is a form of *symbolic violence*, as it uses state authority to *legitimise* a pre-constitutional social order. It functions by compelling subordinate groups to *misrecognise* this arbitrary classification as a natural and inevitable part of the bureaucracy. Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 169-170 (Polity Press, Cambridge, 1991).

3. Etymological data tracing the genealogical evolution of such terms;
4. Grounding the research in theories given by Dr B. R. Ambedkar, Gopal Guru, Michel Foucault, Pierre Bourdieu, Kimberle Crenshaw, Catharine MacKinnon, Cheryl Harris, Judith Butler, Frantz Fanon, Antonio Gramsci, Charles Taylor, Axel Honneth, Louis Althusser, and Norman Fairclough.

The interdisciplinary approach enables the Report to map the empirical persistence, sociological and symbolic significance of such terms. The findings underscore that the administrative language that persists within the judiciary is deeply rooted in colonial and caste hierarchies, which reinforces *social stratification*. Through ‘repeated’ institutional use, the administrative language ‘performs’ and ‘reproduces’ historical subordination,³ thus creating a form of ‘misrecognition’⁴ and *othering* within the judicial ecosystem.

The analysis of the identified terms concludes that the prevailing nomenclature violates the equality guaranteed under Article 14 of the Constitution by creating arbitrary classifications and perpetuating discrimination on the basis of caste. It also severely undermines the right to live with dignity enshrined under Article 21. Further, by linguistically retaining terms that are associated with “polluting” forms of labour, the Rules sustain residues of untouchability abolished under Article 17. Thus, this continuous subversion of the Constitution by the Conditions and Service Rules of the Supreme Court and High Court demands urgent reform.

Heeding to these inherent linguistic inequities, this Report recommends a coordinated, nationwide reform to transform the administrative language from a lexicon of *status* to *function*. The reform is rooted in neutrality, professionalism, dignity, and inclusivity, bringing the nomenclature into consonance with the ideals and values of the Constitution. The recommended alternatives are theoretically anchored in Homi K Bhabha’s concept of the

³ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 33, 179 (Routledge, New York, 1999).

⁴ This Report uses ‘misrecognition’ in two distinct theoretical senses. First, drawing from Charles Taylor and Axel Honneth, it refers to the *denial of equal moral worth*, which inflicts *dignitary harm* upon an individual. Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

In contrast, in the work of Pierre Bourdieu, *misrecognition* (*méconnaissance*) is the *collective acceptance of an arbitrary social order as natural*, the mechanism that allows *symbolic violence* to function without force. Thus, the former concept addresses the *harm* to the person, while the latter addresses the *system* that perpetuates that harm. Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22-24 (Polity Press, Cambridge, 1991).

'Third Space'.⁵ The *'Third Space'* recommends *'resignification'* instead of *'erasure'*, which aids in preserving institutional memory while instilling the terms with constitutional meaning. For instance, the shifts from *"Peon"* to *Office Assistant*, *"Court Servant"* to *Judicial Support Staff*, and *"Halalkhor"* to *Sanitation Attendant* are not merely terminological changes, *but an ontological shift*, a transformation of how institutions conceptualise 'work', 'dignity', and 'belonging'. This *shift* revisits institutional relationships and aligns the judiciary's internal *discourse* with its external commitment to justice, paving the way for a more *inclusive* and *equitable* institutional environment.

Consequently, this Report places the proposed linguistic reform as a *'symbolic act of justice'*.⁶ It argues that the judiciary must align its language with equality in recognising, categorising, and dignifying individuals. This transformative intervention embeds the principles of the Constitution into the institutional language of the courts, which guarantees that *justice is not only delivered in law but also spoken in its very words*.

⁵ *Third Space* refers to a hybrid site of negotiation where new meanings emerge through processes of rearticulation rather than replacement. It neither rejects the past (*the first space*) nor unquestioningly adopts the new (*the second space*) but instead re-signifies *both* through dialogue and hybridity. Homi K. Bhabha, *The Location of Culture* 35-39, 108-116 (Routledge, London and New York, 1994).

⁶ In this Report, a *symbolic act of justice* refers to the transformation of institutional language to restore dignity, equality, and recognition, thereby, affirming that justice must also be enacted in the *symbolic* realm of words, meanings, and representations through which the judiciary names its people. The concept draws upon Pierre Bourdieu's idea of *symbolic violence*, Axel Honneth's and Charles Taylor's theories of *recognition*, and B. R. Ambedkar's emphasis on dignity and the annihilation of social hierarchy, collectively framing linguistic reform as an *emancipatory act* within the moral life of institutions.

Pierre Bourdieu, "The Economy of Linguistic Exchanges", in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23-24 (Polity Press, Cambridge, 1991). Charles Taylor, "The Politics of Recognition", in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995). Sukhadeo Thorat, "Ambedkar's Emancipatory Constitutionalism" 5 *Caste: A Global Journal on Social Exclusion* 27 (2024).

I. THE COLONIAL RESIDUE OF HIERARCHY, CASTE, AND STIGMA IN JUDICIAL SERVICE RULES

The history of the courts in India goes back centuries, creating a rigid administrative framework that has its residue even today. From the establishment of the first Court in Bombay⁷ in 1672 to the enactment of the Indian High Courts Act of 1861,⁸ occupational nomenclatures evolved within the rigid caste and occupational hierarchies. Gradually, titles such as “*Court Servant*”, “*Jamadar*”, “*Peon*”, “*Bhisti*”, and “*Halalkhor*” became institutionalised within the Conditions and Service Rules of the Supreme Court and High Courts in India. While some of these terms reflected caste-based occupations, such as “*Bhisti*” and “*Halalkhor*”, other terms were based on servitude to the colonial authority, including “*Peon*” and “*Jamadar*”. This unquestioned continuation of the nomenclature into the independent India highlights a profound constitutional and moral *paradox*.

The persistence of caste-based, colonial, and hierarchical nomenclature constitutes a ‘*grammar of inequality*’, a linguistic framework that follows the *grammar* inherited from feudal, colonial, and caste classification into the judiciary’s institutional identity.⁹ Despite the foundational values of the Indian Constitution and the evolved jurisprudence of the Supreme Court, which over the years has prohibited the usage of caste slurs and discriminatory words, the institutional lexicon continues to reproduce a pre-constitutional social order. This directly violates the constitutional guarantees of equality, dignity, and fraternity. The persistence of the nomenclature is not just a bureaucratic inertia but a *repeated* and *ongoing act* of ‘*symbolic violence*’ which subverts the judiciary’s legitimacy as the custodian of the constitutional principles.¹⁰

The words that are often used without much thought are not mere words. Instead, they have the power to “*create and destroy, to give birth and to transform*”.¹¹ They can build a new world

⁷ C.J.B. Larby, “The Centenary of the High Courts of Calcutta, Bombay and Madras” 12 *The International and Comparative Law Quarterly* 1044 (1963).

⁸ *Ibid.*

⁹ For the purposes of this report, the *grammar of inequality* has been drawn from the theories of Foucault, Bourdieu, and Ambedkar. It underscores the current bureaucratic language that follows a *grammar* inherited from feudal, colonial, and caste classification. The persistent usage of this structured pattern in the nomenclature has been gradually naturalised.

¹⁰ Injustice can be material as well as symbolic in nature. Symbolic injustices often dictate how people are seen, described, treated, and valued. Built on the theories of Bourdieu, Taylor, and Honneth, Fanon, and Ambedkar, *symbolic justice*, here, refers to the restoration of equality, dignity, and recognition through language, naming, imagery, and institutional rituals.

¹¹ Maryse P. Conde, “Language and Power: Words as Miraculous Weapons” 39 *CLA Journal* 18 (1995).

“on the ruins of the injustice and corruption of the old one.”¹² These words together form a language, which is a social tool that constructs social identities, builds power dynamics, and influences the way people are seen, recognised, and treated.¹³ It also sometimes forms the basis for *othering*, a relational process that creates distance from “a person or group deemed to be different” from the speaker, both figuratively and literally.¹⁴ It shapes recognition, status, and belonging within institutional structures. When across jurisdictions, from Kashmir to Kerala, from Bombay to Gauhati, the Service Rules of all the High Courts continue to designate their employees as “Orderly”, “Mali”, “Sewak”, “Naik”, “Cycle Sawar”, “Peons”, “Halalkhor”, “Chobdar”, “Jamadar”, “Scavenger”, etc., they do not remain mere administrative lexicon. Instead, this categorisation and classification of the staff under “*The Last Grade*”¹⁵ or “*Inferior Staff*”,¹⁶ entrenched in the social stigma and colonial past of India, reaffirms the distinction between *those who serve* and *those who are served*, thereby reproducing institutional inequality in a codified manner.

This linguistic stratification reflects the stark contradiction between *constitutional ideals* and *institutional practice*. Under Article 14, the State is prohibited from denying any person equality before the law or the equal protection of the law, while Article 17 abolishes “untouchability” and forbids its practice in any form.¹⁷ Further, the wide scope of Article 21 encompasses the right to human dignity under the right to life and personal liberty, which continues to evolve through numerous judgments of the Supreme Court of India.¹⁸ Despite the existing legal provisions and the precedents, the persistence of discrimination and hierarchical treatment based on caste, descent, and status persists. This ‘*naturalises*’ caste-linked and hierarchical terminology and creates a ‘*regime of truth*’ - a *discursive* system that *legitimises* inequality by embedding it in everyday administrative vocabulary.¹⁹ Thus, the judiciary, while adjudicating against discrimination, simultaneously ‘*reproduces*’ it through its own linguistic apparatus.

¹² *Ibid.*

¹³ M. Swetha, B.R.Aravind, “Language as Power: Analyzing the intersection of linguistics and politics in Ijeoma Oluo’s work”, 11 *Social Sciences and Humanities Open* (2025).

¹⁴ Robert Wuthnow, “*Othering: Cultural Diversity and Symbolic Boundaries*”, in *American Misfits and the Making of Middle-Class Respectability* 258 (Princeton University Press, Princeton, 2017).

¹⁵ The Andhra Pradesh Last Grade Service Rules, 1992, r. 2, cl. 8.

¹⁶ Jammu and Kashmir High Court Staff (Conditions of Service Rules), 1968.

¹⁷ The Constitution of India, arts. 14, 15, 16, 17, 18.

¹⁸ “The Right to Life and Personal Liberty Under Article 21: A Timeline”, *SCOobserver*, available at: <http://www.scobserver.in/journal/the-right-to-life-and-personal-liberty-under-article-21-a-timeline/> (last visited on September 25, 2025).

¹⁹ Michel Foucault, “Truth and Power”, in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* 131 (Pantheon Books, New York, 1980).

The recent series of linguistic reforms by the Supreme Court and several High Courts illustrates that institutional change is both possible and precedented. In 2023, the Supreme Court amended its Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961,²⁰ replacing nomenclatures such as “*Jamadar (Farash)*” with “*Supervisor (Room)*” and “*Jamadar (Safaiwala)*” with “*Supervisor (Cleaning services)*”.²¹ Similarly, the Manipur High Court revised “*Driver*”, “*Jamadar*”, “*Mali*”, “*Sweeper*”, and “*Duftari*” to “*Chauffeur*”, “*Usher*”, “*Lawn Attendant*”, “*Sanitation Attendant*”, and “*Court Keeper*”,²² while the Gujarat High Court substituted “*Jamadar*” with “*Usher*”,²³ “*Peon*” with “*Court Attendant*”,²⁴ and “*Mali*” with “*Lawn Attendant*”.²⁵ These reforms collectively suggest that a systemic linguistic transformation at an institutional level is feasible. They establish a foundation for a *coordinated nationwide reform* that can standardise nomenclature across the judiciary, rooted in the ideals of the Constitution.

This *pedagogical and structural reform* reorients the institutional language towards dignity, equality, and fraternity, thereby constituting an act of ‘*symbolic justice*’.²⁶ The act of *identifying, analysing, and amending* the derogatory, caste-based hierarchies and colonial administrative posts in the Service Rules is methodically rooted in ‘*piecemeal social engineering*’.²⁷ Instead of pursuing utopian restructuring, this framework recommends an incremental, empirical, and normatively guided reform that addresses the existing institutional

²⁰ Supreme Court of India, *Notification amending Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961* (April 11, 2023), available at: <https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/04/2024041095.pdf> (last visited on September 25, 2025).

²¹ *Ibid.*

²² The High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020, available at: <https://thc.nic.in/Central%20Governmental%20Rules/High%20Court%20of%20Manipur%20Officers%20and%20Employees%20Recruitment%20and%20Condition%20of%20Service%20%28Classification,%20Control,%20Appeal%20and%20Conduct%29%20Rules,%202020.pdf> (last visited on September 25, 2025).

²³ The High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011, available at: https://gujarathighcourt.nic.in/hccms/sites/default/files/rules_files/RECRUITMENT_RULES_-_2011_AMENDED_ON_10.03.2025.pdf (last visited on September 25, 2025).

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Injustice can be *material* as well as *symbolic* in nature. *Symbolic injustices* often dictate how people are seen, described, treated, and valued. Built on the theories of Bourdieu, Taylor, and Honneth, Fanon, and Ambedkar, *symbolic justice*, here, refers to the restoration of equality, dignity, and recognition through language, naming, imagery, and institutional rituals.

²⁷ K.R. Popper, “*Estheticism, Perfectionism, Utopianism*”, *The Open Society and its Enemies* 157-168 (Routledge and Kegan Paul Ltd., London, 1945).

inequalities, which will consequently translate constitutional ideals into administrative practice.²⁸

This constitutionally imperative reform ensures that the judiciary's internal lexicon evolves from a *hierarchical* order of *status* to a *dignified* vocabulary of *function*. It breathes life into Ambedkar's vision of '*the translation of liberty, equality, and fraternity into the grammar of everyday life*'.²⁹ Thus, reforming administrative nomenclature is both an act of *linguistic rectification* and *moral restoration*, which aligns the judiciary's internal language with its outward commitment to justice. It is grounded in the principles of dignity, equality and redefines language as a medium of justice which transforms institutional lexicon into a site of *recognition, pedagogy, and emancipation*.

²⁸ Instead of restructuring the entire administrative rules of the judicial system, the application of Popper's *piecemeal social engineering* allows to rectify one portion of the language, which is a deeply symbolic and socially consequential domain of equality.

²⁹ Vasant Moon (ed.), "Ranade, Gandhi and Jinnah", *Dr. Babasaheb Ambedkar Writings and Speeches* 222 (Dr. Ambedkar Foundation, New Delhi, 2020).

II. A CRITICAL INQUIRY INTO LANGUAGE AND POWER

RESEARCH DESIGN

This research adopts a qualitative-analytical interdisciplinary approach to discover the existence of colonial, outdated, caste-based hierarchical administrative posts that have persisted in the Supreme Court and High Court Service Rules across the country. The purpose of the research is to assess the constitutional and social implications of such terms, with a nuanced understanding of *how* they continue to exist in the era of the Constitution. In line with the ideals of the Constitution, the report also recommends an alternative nomenclature for the identified terms rooted in dignity, equality, neutrality, inclusivity, and function.

The approach of the study includes:

1. Identification of terms in the Supreme Court and High Court Service Rules.
2. Textual analysis of the terms.
3. Etymological tracing of words.
4. Constitutional and jurisprudential review.
5. Recommendations in addition to already adopted nomenclatures by the Supreme Court, Gujarat High Court, and the Manipur High Court.

Terminological and Conceptual Demarcation

To ensure textual clarity and conceptual precision, this Report adheres to a specific punctual convention. The use of double quotation marks (“ ”) signifies terms or phrases that have been reproduced directly from primary sources, such as the official Service Rules, legal documents, or other cited works. On the contrary, single quotation marks (‘ ’) are used to refer to theoretical concepts, analytical categories, and ideas derived from scholarly frameworks and theorists. Further, when a term within these marks is also *italicised*, it signifies a key interpretive idea or a conceptual analogy of particular importance drawn from the theoretical frameworks that guide the study. This methodological demarcation allows the reader to clearly differentiate between the usage of direct quotations, emphasised quotations, theoretical constructs, and significant conceptual analogies, thereby enhancing the reader’s ability to trace the Report’s analytical foundations.

DATA SOURCES

The analysis primarily relies on four datasets:

- 1. Service Rules:** The Service Rules of the Supreme Court and 25 High Courts were analysed, and the full list of staff designations in the official documents was identified. Some of the High Court Service rules were also extracted with the assistance of OCR.
- 2. Etymological and Historical Data:** Apart from identifying the caste-coded and colonial origins of administrative posts, an attempt was made to genealogically trace the designations such as “*Peon*”, “*Jamadar*”, “*Bhisti*”, “*Halalkhor*”, *etc.* This enabled the researchers to understand the gradual evolution of the terms in modern-day society.
- 3. Theoretical and Jurisprudential References:** The jurisprudential rooting of the word is in the relevant constitutional provisions, such as Articles 14, 15, 17, and 21. References were also made to the Supreme Court and High Court Judgments and orders on caste-based *dignity harms*.

Further, the theoretical approach of the report is built on the foundational insights of multiple theorists. The philosophies, doctrines, and arguments of the following theorists became the anchor for this research:

Normative Anchors

The moral and constitutional benchmark of this study is rooted in the guiding principles of justice, equality, and dignity, taken forward by B.R. Ambedkar and Gopal Guru.

Ambedkar’s theory that democracy should be rooted in *constitutional principles* challenges the persistence of colonial/caste-based designations, which dehumanise marginalised people.³⁰ His vision, especially of ‘*social democracy*’ rooted in the “*union of trinity, i.e., liberty, equality, and fraternity*”, provides the most compelling critique of the existing administrative nomenclature.³¹ The continued usage of terms such as “*Peon*” or “*Sewak*”, or “*Court Servant*”, poses a structural barrier to the materialisation of ‘*fraternity*’, and also contradicts

³⁰ Vasant Moon (ed.), 13 Dr. Babasaheb Ambedkar Writings and Speeches 60 (Dr. Ambedkar Foundation, New Delhi, 2nd edn., 2019).

³¹ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216-1218 (Dr. Ambedkar Foundation, New Delhi, 2020).

the democratic ideals the judicial institution is meant to uphold.³² Further, the nature of hierarchical administrative nomenclature in modern-day emerges as a manifestation of ‘*graded inequality*’, where occupational roles are mapped onto an existing social ladder of status, caste, and stigma.³³ It prevents the creation of a sense of a unified workforce³⁴ while perpetuating a culture of deference and contempt.³⁵ The usage of terms such as “*Halalkhor*” or “*Scavenger*” in the official rules enforces a *social penalty*, effectively punishing people for their birth in a specific caste.³⁶

Building on this understanding, Guru’s work on ‘*humiliation*’ explains the precise way in which this *social ‘penalty’* manifests in today’s institutional context. He views ‘*humiliation*’ not merely as a human experience, but as a ‘*relational structural practice*’ and not simply a material inadequacy.³⁷ This anchors the argument that the existing administrative terms do not just cause personal harm but corrode dignity, equality, and fraternity. These theories lay down the imperative argument of *why* caste humiliation matters, and *how* its persistence is against the values and ideals of the Constitution of India.

Analytical Tools

Unlike the normative anchors, which form the bedrock of this study, the analytical tools assist in analysing *how* words are active mechanisms that enable the domination, power, and inequality to hide in plain sight in our everyday language and interaction. The core concepts given by Norman Fairclough, Michel Foucault, Louis Althusser, and Pierre Bourdieu guide the researchers in analysing and studying the nuances of the terms that remain unaltered since independence.

While Fairclough views language as a ‘*social practice*’ that is intricately linked with social structures and institutions that further shape knowledge, power relations, and normalise power

³² This evokes Ambedkar’s quote, “*Without fraternity, equality and liberty will be no deeper than coats of paint.*” *Id.* at 1217.

³³ *Id.* at 1216.

³⁴ Irrespective of the occupation or the pre-determined roles, each member of the workforce in the judiciary has a sense of shared goal, i.e., the administration of justice. Whether it is a cleaner, attendant, or a judge, all are essential for the institution to function, and thereby should be treated with dignity as professionals.

³⁵ Culture of contempt, for the purposes of this report, does not refer to the overt hostility rather it addresses the *othering* of the support staff, often accompanied with a *downward gaze*.

³⁶ B.R. Ambedkar, “*Annihilation of Caste*” 44 (3rd edn., The Ambedkar School of Thought, Amritsar, 1944).

³⁷ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

hierarchies,³⁸ Foucault lays down the framework to study *how* knowledge is produced, distributed, and *legitimised* within specific historical contexts through the interplay of tools of power.³⁹ Further, his ‘*genealogy of discourse*’ traces the emergence of ‘*discursive formations*’ and delves into how power relations shape *what* is accepted as truth or knowledge.⁴⁰

Whereas Althusser, through his concept of ‘*interpellation and ideology*’, explains how ideological state apparatuses ‘*hail*’ people into subordinate identities, where the people with an imposed identity start to view themselves in the same manner.⁴¹ Built on this, the study also views the identified terms from Bourdieu’s perspective, who argues that the state holds the power to define *legitimate language*, which, when imposed, often is ‘*misrecognised*’ as natural⁴² and creates what Foucault called a “*regime of truth*”.⁴³ When people accept such *labels* without any protest, they ‘*naturalise*’ the inequality imposed upon them through legitimate means, which leads to ‘*symbolic violence*’.⁴⁴ These theories ground the view that language holds the power to reproduce dominance and power imbalance, perpetuating inequality and loss of dignity for *others*.

³⁸ Norman Fairclough argues that language is a “social practice” that is not neutral but is dialectically related to social structures and institutions. Norman Fairclough, *Language and Power* 22-23 (Longman Inc., New York, 1996). This practice is a primary site where power relations are enacted and where ideologies work to normalise power hierarchies by making them seem like “common sense.” Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

³⁹ In this Report, Foucault’s framework is used to analyse administrative language not as a neutral descriptor but as an active ‘*discursive mechanism*’ that produces and legitimises power relations. Foucault argues that power and knowledge are intrinsically linked, creating ‘*regimes of truth*’ where certain classifications and hierarchies are ‘*naturalised*’ as legitimate social order. Michel Foucault, “Truth and Power”, in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* 131-133 (Pantheon Books, New York, 1980); Michel Foucault, *Discipline and Punish: The Birth of the Prison* 27 (Vintage Books, New York, 1995). The Report’s genealogical approach is drawn from his method of tracing the emergence of ‘*discursive formations*’, the systems of rules that define a regularity between statements, concepts, and objects to reveal how historical power relations continue to shape what is accepted as truth or knowledge within an institution. Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972).

⁴⁰ *Ibid.*

⁴¹ Louis Althusser, “Ideology and Ideological State Apparatuses Notes Towards an Investigation”, in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971).

⁴² Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22-24, 169,170 (Polity Press, Cambridge, 1991).

⁴³ Michel Foucault, “Truth and Power”, in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* 131 (Pantheon Books, New York, 1980).

⁴⁴ “*Symbolic violence*”, a term coined by *Pierre Bourdieu*, refers to the subtle, non-physical process by which dominant groups impose their worldview and systems of classification upon society. This imposition is not achieved through overt force but through *misrecognition*, a process where arbitrary social hierarchies (based on caste, class, gender, etc.) are perceived by both the dominant and the dominated as natural, legitimate, and inevitable. Subordinate groups, having internalised the dominant group’s standards, unconsciously consent to and participate in their own subordination. In the context of this report, the institutional use of derogatory administrative nomenclature is a form of symbolic violence, as it uses institutional authority to legitimise a pre-constitutional social order and naturalise inequality. Pierre Bourdieu, *Outline of a Theory of Practice* 190-197 (Richard Nice (trans.), Cambridge University Press, Great Britain, 1977). Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* 4-11 (Richard Nice (trans.), Sage Publications, London, 1990).

Intersectional Framework

The administrative rules do not operate in a vacuum. They intersect with and are augmented by other pre-existing matrices of power and domination, such as gender, patriarchy, and colonial rationale. Consequently, this study also relies on an *intersectional framework* rooted in the theories of Kimberle Crenshaw, Catharine MacKinnon, Cheryl Harris, and Judith Butler.

Crenshaw's theory of *intersectionality* highlights the interlocking systems of power built on race, caste, and gender that lead to '*compounded experiences of subordination*'.⁴⁵ This compounded harm further creates distinct burdens of misrecognition that are "*greater than the sum of its parts*".⁴⁶ It explains *what* happens when different forms of discrimination (caste and gender) overlap, creating unparalleled burdens that a *single-issue* analysis would miss.⁴⁷ For instance, in applying *intersectionality* to the administrative post of a "*Halalkhor*" or "*Scavenger*", it showcases the unique form of discrimination that is specific to the women of that caste only. The *harm* experienced by a Dalit woman is distinct from a Dalit man because of the discrimination caused by the intersecting burden of patriarchy within and outside her community.

MacKinnon's *dominance theory* aids in understanding the underlying power dynamic in exploring *how* and *why* this harm is inflicted. She argues that the critical element is not the '*difference*' between the groups, rather the systemic, social, and political '*dominance*' of one group over another.⁴⁸ This dominance is maintained and constructed through language, a tool of '*power*' and '*objectification*'.⁴⁹ The administrative nomenclature, such as "*Court Servant*", constructs a relationship of subordination, and the term "*Bundle Lifter*" reduces a person to their institutional value instead of their professional identity, resulting in '*thingification for use*'.⁵⁰

Expanding on this analysis of power, Harris's theory explores the underlying structure that *protects* the prevalence of hierarchy and domination. She argues that '*whiteness*' is not merely

⁴⁵ Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." 1 *University of Chicago Legal Forum* 139-167 (1989).

⁴⁶ Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." 1 *University of Chicago Legal Forum* 140 (1989).

⁴⁷ *Id.* at 149.

⁴⁸ *Id.* at 34.

⁴⁹ *Id.* at 124.

⁵⁰ *Ibid.*

an *'identity'* but a form of *'property'* that confers certain tangible and legally protected privileges to the dominant.⁵¹ These privileges lead to a *'settled expectation'* of being treated as a human being with dignity and personhood, while the *value* of the *property* is further ensured by *'excluding others'* from such personhood.⁵² Adapting this *critical race theory* to the Indian context, the report explores how the administrative nomenclature preserves caste and hierarchical privilege as a form of *'institutional property'*. The authority and professional standing afforded to the higher-level post is a valuable asset that evokes a *'settled expectation'* of dignity in them. Classifications such as *"Inferior Staff"* in the administrative nomenclature serve as an official linguistic marker of the *'non-proprietary'* class, which ensures low status to a certain section and exclusivity of status to individuals at *higher posts*.

The process through which this structure of *institutional property* is maintained in day-to-day life is further explored by relying on Butler's theory of *performativity*. She argues that the prevalent social hierarchies are produced through the *"stylized repetition of acts"*.⁵³ Any act or language, when backed by an institutional authority, creates the *"effects"* it names, resulting in *'performative acts'* where certain utterances transform into deeds.⁵⁴ The words, then, do not merely remain words. They become actions, creating and enforcing a distinct *'social reality'*.⁵⁵ Therefore, through the daily *repetition* of administrative lexicon, the institution becomes an *'active agent'* in *'performing'* and *'reproducing'* colonial and caste-based hierarchies.

Explanatory Lenses

The explanatory lenses enable the researchers to understand the persistence and effects of the hierarchical, colonial, and caste-based administrative designations. Grounded in the theories of Antonio Gramsci, Frantz Fanon, Charles Taylor, and Axel Honneth, the research explores *why* such administrative nomenclature exists, *what* impact it has on the relevant stakeholders, and *why it must be amended*.

Gramsci argues that any form of domination in modern society relies primarily on hegemony instead of force.⁵⁶ The *'cultural hegemonic'* ability of the ruling classes permeates their

⁵¹ Cheryl I. Harris, "Whiteness as Property" 106 *Harvard Law Review* 1713 (1993).

⁵² *Id.* at 1709 – 1791.

⁵³ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 179 (Routledge, New York, 1999).

⁵⁴ *Id.* at 33.

⁵⁵ *Id.* at 150.

⁵⁶ Gramsci argues that domination in modern society is exercised not only through force and coercion but primarily through *"hegemony"*, the *'intellectual and moral leadership'* of the dominant group. This leadership operates through the institutions of *'civil society'* to secure the *'spontaneous'* consent of subordinate groups, making the worldview and values of the ruling class appear as natural and *'common sense'*. This cultural and linguistic consent

worldview as ‘*natural, morally right, and common sense*’ to everyone around.⁵⁷ This hegemonic power further reproduces itself through ‘*cultural and linguistic consent*’.⁵⁸

But here, consent is very nuanced. The colonial service hierarchies ingrained in language and representation trained the colonised to view themselves as *subordinate, menial, or unclean*.⁵⁹ The coloniser’s language and values are internalised by the subjects in a way which results in ‘*epidermalization*’, i.e., the internalisation of inferiority.⁶⁰ This mechanism of ‘*epidermalization*’, as explored by Fanon, then dictates how one perceives oneself.⁶¹ Fanon argues that through this language and representation deeply embedded in colonialism, a ‘*psychic structure of inferiority*’ is manufactured.⁶² Usage of terms like “*Halalkhor*”, “*Scavenger*”, and “*Sweeper*” takes the form of being more than an occupational designation. Rather, they become a wounding ‘*symbolic designation*’ that defines a person’s moral order in society.⁶³ The psychological injury through the persistence of such administrative nomenclature is not only a linguistic humiliation but an inherited wound that furthers continuous institutional ‘*misrecognition*’. In the view of Taylor and Honneth, the basis of human dignity heavily rests on the ‘*recognition*’ of the person.⁶⁴ Through this ‘*recognition*’,

legitimises the existing power structure and ensures its reproduction. Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12, 57 (Lawrence and Wishart, London, 1971).

⁵⁷ Defined by MacKinnon, *thingification for use* is a process of reducing a person, in their entirety to a mere object whose existence is defined by their utility or function for a dominant group. Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

⁵⁸ *Cultural hegemony* is a form of rule that operates through cultural and linguistic consent rather than overt coercion. Gramsci distinguished between *political society* (which rules through force, e.g., the police) and *civil society* (which generates consent, e.g., schools, media, and the administrative state). In civil society, the dominant group’s ideology becomes the accepted *common sense*, leading subordinate classes to willingly adopt the language, norms, and values that legitimise their own subordination. This consent makes the existing power structure appear natural and inevitable. Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 145, 248, 526, 626 (Lawrence and Wishart, London, 1971) available at <https://uberty.org/wp-content/uploads/2015/10/gramsci-prison-notebooks.pdf> (last visited on November 11, 2025).

⁵⁹ Frantz Fanon, “The Fact of Blackness”, in Charles Lam Markmann (trans.), *Black Skin, White Masks* (Pluto Press, London, 2008).

⁶⁰ *Id.* at 82-108.

⁶¹ *Ibid.*

⁶² Frantz Fanon, “The Negro and Psychopathology”, in Charles Lam Markmann (trans.), *Black Skin, White Masks* 109-162 (Pluto Press, London, 2008).

⁶³ Fanon argued that certain names or labels imposed by a dominant culture are not neutral descriptors but acts of *symbolic violence* that inflict a psychic wound. By reducing an individual to a single, demeaning category such as *Scavenger*, the designation objectifies them and forces them to internalise a sense of inferiority. The internalisation of inferiority is called the *epidermalization of inferiority*. This *institutional misrecognition* attacks a person’s self-worth and fixes them in a subordinate social and moral order. Frantz Fanon, “The Fact of Blackness”, in Charles Lam Markmann (trans.), *Black Skin, White Masks* 82-108 (Pluto Press, London, 2008).

⁶⁴ Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

people attribute ‘*equal moral worth*’ to others.⁶⁵ Thus, any denial of recognition results in ‘*misrecognition*’, which in turn causes real distortions in people’s self-identity and self-respect.⁶⁶ Consequently, these structural injustices that continue to dictate the halls of the judiciary even long after the end of colonial rule require serious deliberation and reform.

Reforms

To address the above-mentioned far-reaching effects of the administrative nomenclature, this research aims to suggest an alternate lexicon that is rooted in dignity, equality, respect, neutrality, inclusivity, and fraternity. It aims to restore meaning to institutional language by interrogating and restructuring the existing linguistic structure. For this purpose, the study leans on Karl Popper’s ‘*piecemeal social engineering*’, a framework that emphasises ‘*incremental reform*’ that focuses on rectifying *institutional inequities* through ‘*concrete*’ and ‘*testable interventions*’.⁶⁷ This will enable the judiciary to translate constitutional ideals into operational practice within a defined administrative domain.

The discourse progresses from mere *analysis* to *diagnosis* to *amendment*. It begins with identifying and understanding *how power is reproduced* through language, to envisaging *how it may be transformed* within institutional discourse in alignment with the Constitution.

Thus, to curate a new nomenclature in consonance with the constitutional values, the researchers have relied on Homi K. Bhabha’s “*Third Space of Enunciation*”.⁶⁸ At its core, the “*Third Space*” is the ‘*discursive*’ site where ‘*meaning*’ is generated in the *gap* between existing cultural systems, which facilitates the formation of new articulations.⁶⁹ Bhabha argues that

⁶⁵ *Ibid.*

⁶⁶ Charles Taylor argues that recognition from others is a vital human need because our identity is shaped by it. He defines *misrecognition* as a form of oppression that can inflict “*real damage, real distortion*” by mirroring back a “*confining or demeaning or contemptible picture*” of a person. Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994). Building on this, Axel Honneth posits that the ‘*struggle for recognition*’ is the basis for a stable identity, stating that an individual “*is able to develop a positive relationship-to-self only to the extent to which he or she has been recognized by others.*” Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

⁶⁷ K.R. Popper, “Estheticism, Perfectionism, Utopianism”, *The Open Society and its Enemies* 157-168 (Routledge and Kegan Paul Ltd., London, 1945).

⁶⁸ Bhabha’s *Third Space of Enunciation* is a theoretical space of negotiation where cultural meaning is produced. He argues that instead of a simple binary between coloniser and colonised, a “*Third Space*” emerges where hybrid identities are formed. This space is not a synthesis but an “*interstitial*” site of tension where the act of utterance (enunciation) can challenge and transform the meanings of dominant cultural signs. As this report argues, the proposed new nomenclature operates within this Third Space, creating a hybrid language that is neither a colonial residue nor an abstract ideal. Homi K. Bhabha, *The Location of Culture* 35-39 (Routledge, London and New York, 1994).

⁶⁹ *Ibid.*

cultural identities are produced in the ‘*Third Space*’, an ‘*interstitial space*’ between systems of power and resistance.⁷⁰ This ‘*hybrid site*’ of negotiation is neither going *backwards* to the precolonial era nor is it a ‘*mimicry*’ of the colonial.⁷¹ When applied to the administrative lexicon of judicial institutions, it rejects effacing existing colonial residues (*amnesia*) as well as embracing global bureaucratic terms (*replication*).⁷² Instead, it calls for ‘*hybrid expressions*’ that enhance the administrative clarity while exemplifying the constitutional ethos of equality and dignity.⁷³

This suggested reformation does more than merely revise an existing nomenclature. It aids and enables the *reconstruction of meaning*, making the nomenclature progressive in nature. In replacing occupational posts such as “*Peon*” and “*Halakhor*” with “*Office Assistant*” and “*Sanitation Attendant*”, respectively, it reevaluates how an institution *sees, recognises, and remembers* its support staff.

It further redefines institutional relationships where the judiciary’s internal language is aligned with the values it holds externally, thereby enabling an *ontological shift*,⁷⁴ where language becomes a carrier that enacts constitutional values in everyday lives.

LIMITATIONS

In conducting the systematic mapping and analysis of the High Court Service Rules, the following limitations must be acknowledged:

Primary Data

This research heavily relies on the Supreme Court and High Court Service Rules available on public domains. Thus, any variation or latest amendments that are not publicly available may have gone unrecorded. Since language and institutions are constantly evolving, there may be

⁷⁰ *Id.* at 37.

⁷¹ *Id.* at 24-31.

⁷² The terms *amnesia* and *replication* are labels for two simplistic approaches to reform that Homi K. Bhabha’s theory of the *Third Space* helps to reject. “*Amnesia*” corresponds to Bhabha’s critique of nativism, the futile attempt to return to a pure, pre-colonial origin by erasing the past. *Id.* at 36-37. “*Replication*” corresponds to his concept of colonial mimicry, where the subaltern merely imitates the forms of the dominant culture without genuine transformation. The *Third Space* offers a hybrid alternative to both. *Id.* at 85-92.

⁷³ Homi K. Bhabha, *The Location of Culture* 108-116 (Routledge, London and New York, 1994).

⁷⁴ Grounded in Judith Butler’s theory of performativity, the term *ontological shift* denotes a fundamental transformation in the nature of being or existence. This Report argues that changing a title from *Peon* to *Office Assistant* is more than a semantic adjustment. It is an attempt to alter *what the employee is* within the institutional framework i.e., from a ‘*servant*’ defined by *status* to a ‘*professional*’ defined by *function*. Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 43-44 (Routledge, New York, 1999).

internal initiatives by some High Courts suggesting internal revisions, amendments, etc., that may not be part of this report.

Interpretation

Though wide variations in occupational posts were recorded in the High Court Service Rules, some terms were uniformly used. Given the rich historical and regional diversity of India, similar terms may carry different vernacular nuances. While meticulous efforts were made to pursue etymological and contextual analysis of the identified terms, some interpretations may fail to align with the existing regional meanings. Additionally, certain occupational designations appeared as combination terms (e.g., “Sweeper-cum-Farash”, “Mali-cum-Chowkidar”, “Orderly-cum-Office Assistant”, “Mali-cum-Peon”). In such cases, the same term may have been counted multiple times during frequency mapping. Further, despite the sincere efforts of the researchers, there were also a few vernacular terms that couldn’t be analysed due to the lack of information, such as “Mutchie”,⁷⁵ “Gollah”.⁷⁶

Scope of Individual Term Analysis

It is important to highlight that while the researchers have carefully analysed the existing administrative nomenclature, certain terms were not subjected to the same depth of individual etymological and constitutional analysis. Terms such as “Gestetner Operator”,⁷⁷ “Sweeper”,⁷⁸ “Safai Karamchhari”,⁷⁹ “Orderly”,⁸⁰ “Daftari”,⁸¹ and “Cycle Sawar”⁸² were not analysed primarily due to two reasons. *Firstly*, the dignitary harm that these terms perpetuate was thematically comparable to the terms that were extensively discussed in the Report. *Secondly*, the roles, responsibilities, and functions they exhibited had a significant overlap with broader

⁷⁵ The High Court of Karnataka Service (Conditions of Service and Recruitment) Rules, 1973, Sch. I, Item 48.

⁷⁶ The Madras High Court Service Rules, 2015, r. 3, Div. III, Sec. I, Cat. 6(b).

⁷⁷ The Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct & Appeal) Rules, 2015, Sch. III, Pt. D, cl. 1.

⁷⁸ The High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998, Sch. I, Sl. No. 49.

⁷⁹ The Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct & Appeal) Rules, 2015 (Schedule-III, Part D, Item 8).

⁸⁰ High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020, r. 8(17).

⁸¹ Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules, 2017, Sch. (Class-IV Posts), Sl. No. 6.

⁸² The Rajasthan High Court Staff Service Rules, 2002, r. 33. “Cycle Sawar” has been used literally, not offering many studies on the origination of this nomenclature. The requirements for the job “Cycle Orderly” as stated in The Andhra Pradesh Last Grade Service Rules establish straightforward requirements like must have passed VII class examination and must be able to ride a bicycle. Its harm lies in its archaic functional reductionism, similar to “Driver”, while its messenger role is functionally equivalent to that of a “Peon”.

categories already examined, such as the job description of an “*Jamadar/Scavenger*” was found functionally similar to that of a “*Sweeper*”.⁸³ Additionally, certain terms such as “*Driver*” or “*Cycle Sawar*” or “*Gestetner Operator*”, although not rooted in caste or colonial stigma, have been part of this study. These terms are archaic, require modernisation, and they also diminish an individual’s professional identity to a singular task, thereby resulting in *functional reductionism*.⁸⁴ Such terms, though not discussed, have nevertheless been retained in the dataset and assigned alternative nomenclature, as they continue to exist as independent posts within various High Court Service Rules. By including such terms as part of the dataset, the researchers have aimed to ensure terminological consistency, even where dignitary harm of the term hasn’t been part of a standalone theoretical exposition.

Lack of Testimonies

This research primarily relies on documents, and no interactions were made with the employees, administrative staff, or linguistic experts for the same. Thus, the research primarily limits itself to capturing the institutional language instead of the lived experiences of the support staff.

Research Limitation

The scope of this research is limited to the linguistic and institutional hierarchies embedded in the administrative nomenclature of the Supreme Court and High Court Service Rules. It does not analyse how language plays a role in institutional inequality in everyday interactions.

Readability

The PDF versions of a few High Court Service Rules were scanned copies and required the application of Optical Character Recognition (OCR). In some of the files, OCR failed to read the words and required manual identification and mapping of words, which may have resulted in the failure to record some of the words due to human error.

Despite the abovementioned limitations, this research establishes a strong foundation by documenting and contextualising the persistence of hierarchical terminologies in the

⁸³ The Andhra Pradesh Last Grade Service Rules, 1992, r.2.

⁸⁴ Pierre Bourdieu, *Outline of a Theory of Practice* 190-197 (Richard Nice (trans.), Cambridge University Press, Great Britain, 1977). Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* 4-11 (Richard Nice (trans.), Sage Publications, London, 1990).

administrative nomenclature of the High Court Service Rules. It paves the way for further inquiry and policy reform at the nationwide institutional level.

III. MAPPING THE LEXICON OF SUBORDINATION

The comprehensive dataset provided below has been compiled by mapping the occupational nomenclatures prevalent in the Conduct and Services Rules of the Supreme Court and twenty-five High Courts. It served as the foundation for understanding and analysing the persistence of colonial, caste-based, and hierarchical occupational titles in the administrative framework of the judiciary. Each of the datasets captured the following:

1. The court's name.
2. The administrative Service Rule from which the lexicon has been drawn.
3. An occupational term that is currently in use.

It lays down the broad framework for understanding the variations in terminologies across jurisdictions, while also allowing to do an in-depth comparative analysis of the linguistic, colonial, hierarchical, and casteist residues embedded in these titles.

A thorough examination of the dataset reveals continuous unchecked usage of administrative terms that can be divided into four broad categories:

1. Terms originating in colonial/feudal structures, such as "*Court Servant*", "*Coolie*", "*Darwan*", "*Room Boy*", "*Watch and Ward*", "*Peon*", etc.
2. Terms embedded with strong caste references, which have been naturalised over the course of time, such as "*Dhobi*", "*Mali*", "*Halalkhor*", "*Hamal*", "*Bhisti*", "*Malan*", etc.
3. Terms that are embedded in institutional subordination, such as "*Basta Bardar*", "*Farash*", "*Mulia*", "*Sewak*", "*Hamal*", "*Masalchi*", etc.
4. Terms that have semantically eroded and reinforce stigma, such as "*Bhisti*", "*Jamadar*", etc.

The datasets *prima facie* suggest a lack of parity and standardisation in the administrative nomenclature. By methodically cataloguing the existing variations, the data highlighted an urgent need for an amendment of the administrative lexicon that is dignified, neutral, function-based, professional, and inclusive in nature.

Language holds the power not only to produce, but also to perpetuate historical inequities through the ‘*naturalisation*’ and ‘*normalisation*’ of everyday discrimination. The existing empirical grounding within the datasets enables the renaming process to transcend beyond ‘*symbolic reform*’, establishing a *linguistic amendment* within a comprehensive framework of *institutional equality and inclusion*.

The following dataset, therefore, informs the formulation of alternative nomenclatures in the following chapters. This alternative nomenclature is guided by the principles of dignity, neutrality, and functionality, anchored in Homi Bhabha’s framework of ‘*Third Space*’.⁸⁵

S. No.	Court	Rules/Administrative Orders	Nomenclature
1	Supreme Court	Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961	Court Servant
2	Punjab & Haryana High Court	High Court Establishment (Appointment and Conditions of Service Rules) 1973	Frash
			Mali
			Safai Sewak
			Peon
			Daftri
			Driver
			Chowkidar
Servant			

⁸⁵ Homi K. Bhabha, *The Location of Culture* 35-39 (Routledge, London and New York, 1994).

3	High Court of Manipur	The High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020	Court Servant
			Masalchi
			Chowkidar
			Farash
			Orderly
4	High Court of Meghalaya	The High Court of Meghalaya Officers and Staff (Recruitment and Conditions of Service) Rules, 2019	Jamadar
			Driver
			Duftry
			Mali
			Chowkidar
			Sweeper
5	High Court of Tripura	High Court of Tripura Services (Appointment, Conditions of Service and Conduct) Rules, 2014	Jamadar/Jamader
			Duftry
			Peon / Orderly
			Mali
			Driver
6	High Court of Sikkim	The High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998	Driver
			Mali-cum-Peon
			Peon / Orderly

			Zamadar
			Sweeper / Sweeper-cum-Peon / Sweeper-cum-Chowkidar
			Sevak
			Chowkidar
			Servant
7	High Court of Rajasthan	The Rajasthan High Court Staff Service Rules, 2002	Basta Bardar
			Driver
			Daftary / Daftari / Daftarries
			Peon / Orderly
			Cycle Sawar
			Sweeper
			Waterman
			Jamadar
8	High Court of Telangana	Service Rules of the High Court for the State of Telangana, 2019	Driver
			Jamedar
			Dhobi
			Daffedar

9	High Court of Delhi	Delhi High Court Establishment (Appointment and Conditions of Service) Rules, 1972	Court Servant
10	High Court of Odisha	The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019	Jamadar / Zamadar
			Mali / Mali-cum-Chukidar
			Driver
			Peon / Orderly
			Daftari /Duftary/Daftary
			Sweeper / Sweeper-cum- Farash
			Farash
			Mulia
11	High Court of Karnataka	High Court of Karnataka Service (Conditions of Service and Recruitment) Rules, 1973	Choukidar
			Court Servant
			Jameder/Jamedar
			Driver
			Dhobi
			Peon
Dafterbands			

			Chowkidar
			Mutchie
			Mali
12	High Court of Gujarat	The High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011	Servant
			Havildar
			Chobdar
			Naik
			Driver
13	High Court of Jammu and Kashmir and Ladakh High Court	Jammu and Kashmir High Court Staff (Conditions of Service Rules), 1968	Jamadars
			Orderly
14	High Court of Madhya Pradesh	High Court of Madhya Pradesh Services (Recruitment, General Conditions of Services, Conduct, Classification, Control and Appeal) Rules, 2017	Driver
			Daftaries
			Farrash
			Chowkidar
			Safaiwala
15	High Court of Chhattisgarh	Chhattisgarh High Court Services (Appointment,	Peon
			Safai Karamchari

		Conditions of Service and Conduct) Rules, 2017	Jamadar
			Daftari
			Chowkidar
			Driver
16	High Court of Jharkhand	Jharkhand High Court Officers and the Members of the Staff (Recruitment,	Jamadar
			Daftari / Daftri
			Peon
			Sweeper
			Chaukidar
			Faras
			Mali
			Mazdoor
			Driver
17	High Court of Kerala	The Kerala High Court Service Rules, 2007	Duffadar
			Sweeper-cum-Peon
			Sweeper
			Peon
			(Government) Servant / Court Keeper

18	High Court of Himachal Pradesh	Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct and Appeal) Rules, 2015	Servant
			Daftari / Daftri / Daftaries
			Jamadar
			Frash
			Peon
			Mali/Malies
			Safai Karamchari
			Driver
			Chowkidar / Cook-cum-Chowkidar
			Gestetner Operators
19	High Court of Gauhati	Gauhati High Court Service (Appointment, Conditions of Service and Conduct) Rules, 1967	Court Servant
			Farash
			Duftry
			Chowkidar
			Jamadar
Peon / Orderly			

			Barkandaz
			Darwan
			Driver
			Mali
			Sweeper
20	High Court of Patna	Patna High Court Officers and Staff (Recruitment, Appointment, Promotion and other Conditions of Service and Conduct) Rules, 2021	Sweeper
			Jamadar
			Mali
			Peon
			Driver
			Chaukidar
			Daftary
			Mazdoor
21	High Court of Uttarakhand	The Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976	Servant
			Peon
			Farrash
			Bhisti

			Jamadar
			Daftari
			Sewak
			Bundle Lifter
			Mali
			Sweeper
			Coolie
			Chowkidar
22	High Court of Allahabad	The Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976	Peon
			Court Servant
			Farrash
			Bhisti
			Sewak
			Mali
			Chowkidar
			Jamadar
			Sweeper
			Coolie
			Bundle Lifter

			Daftari
23	High Court of Madras	The Madras High Court Service Rules, 2015	Waterman
			Watch and Ward
			Room Boy
			Chobdar/Chopdar
			Driver
			Jamedar
			Gollah
			Scavenger
			Duffadar
			Sweeper
			24
Bhistis			
Durwan			
Mali			
Jamadar (Farash)			
Abdar			
Barkandaz			
Peon / Orderly			

			Sweeper
			Duftri
25	High Court of Bombay	Bombay High Court Original Side Service Rules, 2002 (As modified 29 January 2025)	Chowkidar
			Driver
			Naik
			Darwan
			Mali
			Sweeper
			Halalkhor
			Chobdar
			Peon
			Havildar
			Hamal
26	High Court of Andhra Pradesh	A.P. Judicial Ministerial Subordinate Service Rules 2019; Wherein by virtue of Section 2(q), subordinate service means a group of posts falling in Category 13 to Category 17 under the Andhra Pradesh General Subordinate Service Rules	Jamedar Scavenger/Jamader Sweeper
			Daffadars/Dafedars
			Sweeper
			Hawaldar
			Scavenger

		and Andhra Pradesh Last Grade Service Rules.	Sweeper-cum-Scavenger
			Scavenger-cum- Sweeper/Scavenger-cum- Thoti
			Chowkidar
			Farash
			Masalchi
			Mali
			Sevika
			Malan
			Driver

IV. CONSTITUTION AS THE NORMATIVE ANCHOR

The Constitution of India promises dignity. Despite the strong constitutional guarantees and Supreme Court rulings against caste-based language, the Service Rules and recruitment advertisements continue to use colonial and caste-based terms. This creates a clear gap between *what* the law says and *how* it is applied, between court decisions and administrative practices.

The prevalent administrative nomenclature includes certain colonial and caste-based terms that reinscribe a pre-constitutional ‘*grammar*’ (language) of degradation and carry the weight of centuries-old purity-pollution taboos. By continuing to advertise posts in this manner, the judiciary becomes what Bourdieu calls an instrument of ‘*symbolic violence*’,⁸⁶ using the authority to ‘*naturalise*’ what the Constitution expressly *abolishes*. These words then help in reproducing hierarchies by denying human dignity or implying servitude. This chapter, thus, traces *how* such nomenclature is not merely ornamental but an active engine of constitutional subversion, and *why* its persistence constitutes continuing violations under Articles 14, 15, 16, 17, 21, and 23.

The Constitution of India offers several overlapping protections against the hierarchical titles found in judicial service rules. When these provisions are considered together, they create a strong framework that makes caste-based and colonial job titles impermissible within our constitutional framework.

Equality Before Law and Arbitrary Classification

Article 14 states that “the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”⁸⁷ It prohibits any arbitrary classifications without a rational nexus. Consequently, administrative job designations that make distinctions based on caste or colonial names and identify people not based on functional/descriptive needs, but on grounds of historical stigma and a hierarchical system, are *prima facie* violative of Article 14.⁸⁸ Further, classification of designations as “*Class IV*” or “*Last Grade*”⁸⁹ is also violative of the guarantee under Article 14, which operates against any arbitrariness in State

⁸⁶ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22 - 24 (Polity Press, Cambridge, 1991).

⁸⁷ The Constitution of India, art. 14.

⁸⁸ *Sukanya Shantha v. Union of India*, (2024) 15 SCC 535.

⁸⁹ The Madras High Court Service Rules, 2015; The Andhra Pradesh General Subordinate Service Rules; and The Andhra Pradesh Last Grade Service Rules, 1992.

action.⁹⁰ Classifications like “*Halalkhor*”, “*Safaiwala*”, or “*Malan*” violate this guarantee by creating a gradation into official categories, symbolically marking certain communities as naturally suited for unskilled “menial” labour and thereby denying them, from the very beginning, an equal status.

Prohibition of Discrimination

Article 15(1) prohibits the State from discriminating against any citizen “on grounds only of religion, race, caste, sex, place of birth or any of them.”⁹¹ This provision is directly violated when judicial institutions retain occupational names traditionally associated with a given caste. The retention of occupational titles such as “*Dhobi*”, “*Mali*”, “*Halalkhor*”, and “*Bhisti*” within official Rules of service amounts to *indirect discrimination* through the link between caste identity and occupational fate.

Even without overtly stating the caste requirements, these titles are already connected with a caste identity that perpetuates the hereditary occupation-based system. The constitutional protection goes beyond just overt discrimination to practices with implicit discriminatory effects. The Supreme Court in *Sukanya Shantha v. Union of India*⁹² recognised that *formal equality is inadequate where structural bias governs institutional life*. The State’s failure to dismantle inherited caste-based structures is not just inaction. It actively *supports* discrimination. The Supreme Court has recognised that the State has a responsibility to prevent discrimination against marginalised groups. This means it must actively address inaction against discrimination by State machinery. It requires active removal of such discriminatory structures. This removal addresses only the surface manifestation of a deeper systemic inequality. If the institutional realities are not addressed, legal reforms risk that individuals will remain trapped within the same conditions of disadvantage.⁹³

Discriminatory laws based on stereotypes that harm or disadvantage a social group both directly and indirectly are not permissible under the Constitution. The Court held that discrimination could be both direct and indirect, and even laws that appear to be neutral may also have an adverse impact upon marginalised social groups. Thus, even Rules that are *prima facie* neutral can have a disproportionate impact upon certain communities and, as such,

⁹⁰ E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3.

⁹¹ The Constitution of India, art. 15(1).

⁹² Sukanya Shantha v. Union of India, (2024) 15 SCC 535.

⁹³ Sandra Fredman, *Discrimination Law* 152 (Oxford University Press, New York, 2002).

contravene constitutional principles, without naming the caste. Jobs that use specific caste-related terms reinforce the dynamics of the caste system, which continues to *hinder* upward mobility and *excludes* certain groups from decision-making roles. Additionally, identifying the job through a caste hints at a bias that the position must be filled by people from that community, reinforcing the hereditary occupation-based caste system.

This discriminatory practice was further institutionalised during colonial rule. Laws of the colonial era continued to influence the postcolonial world by preserving the structure of humiliation.⁹⁴ The persistence of such colonial administrative posts named on the basis of race also highlights the hierarchy created during colonial rule. This was done specifically to exercise *hegemony* and to create *a structure of humiliation* for the colonised. Undermining the dignity of domestic helpers by using terms like *Room Boy* and by bureaucratising caste through colonial administrative terms like “*Darwan*”, “*Chowkidar*”, and “*Havildar*”.

Equality in Public Employment Opportunities

Article 16(2) provides that “No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.”⁹⁵ By retaining job titles that traditionally represented caste-based work, i.e., “*Jamadar*”, “*Bhisti/Waterman*”, “*Mali*”/ “*Malan*”, the Rules continue to perpetuate a ‘*hegemonic*’ employment system that ‘*naturalises*’ the caste hierarchy, contravening the very ideals of Article 16.⁹⁶ The administrative nomenclature also defeats the aim of this Article to establish a respectful public employment system that is free from caste or any other ascriptive identities.

Abolition of Untouchability

The prevalence and persistence of administrative posts such as “*Halalkhor*” or “*Scavenger*” violates Article 17, which abolishes “untouchability”, forbids its practice in any form, and makes the enforcement of any disability arising out of it punishable by law.⁹⁷ This provision has been interpreted expansively by the Supreme Court. In *State of Karnataka v. Appa Balu*

⁹⁴ Sukanya Shantha v. Union of India, (2024) 15 SCC 535.

⁹⁵ The Constitution of India, art. 16(2).

⁹⁶ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 145, 248, 526, 626 (Lawrence and Wishart, London, 1971).

⁹⁷ The Constitution of India, art. 17.

Ingale,⁹⁸ the Supreme Court expressed that untouchability is “an indirect form of slavery” and “only an extension of the caste system.” By continuance of such titles, untouchability is not just codified in official authoritative sources, but it also enables the identification of historically disadvantaged communities engaged in ‘polluting work’, and thus, justifying their social exclusion and ostracisation.

Additionally, in *Devarajiah v. B. Padmanna*,⁹⁹ the Karnataka High Court observed that, “the subject matter of Article 17 is not untouchability in its literal or grammatical sense but the practice as it had developed historically in the country.” Article 17 is a fundamental right of the first importance, which requires liberal interpretation. Untouchability was not limited to mere physical contact but liberally covers any *practice* that degrades, stigmatises, or excludes individuals based on their caste identity.¹⁰⁰ Thus, the retention of such administrative posts in the Service Rules of the High Courts perpetuates the very disabilities that Article 17 seeks to abolish.

The continued presence of caste-based titles within official frameworks constitutes the same structural system that upholds practices such as manual scavenging. Both practices are based on the *normalisation* of caste-related degradation and inherited stigma. Manual scavenging was identified as an offence against fundamental rights under Articles 14, 17, and 21, representing a continuing violation of human dignity which must be eradicated. The Supreme Court in the case of *Safai Karamchhari Andolan v Union of India*¹⁰¹ observed that based on official figures of the Ministry of Social Justice & Empowerment, 6,76,009 manual scavengers were enumerated in 2002-03, and of these, more than 95% were Dalits who were compelled to do the degrading job under the pretext of ‘*traditional occupation*’.¹⁰² The Court recognised that the State bears the constitutional obligation to ensure data collection and the complete abolition of manual scavenging and rehabilitation of those engaged in this degrading practice.¹⁰³ Despite the abolishment of untouchability under Article 17 and the criminalisation of compelling a person to do scavenging, the dehumanising practice of manual scavenging persisted.¹⁰⁴

⁹⁸ State of Karnataka v. Appa Balu Ingale, 1994 SCC (Cri) 1762.

⁹⁹ Devarajiah v. B. Padmanna, 1957 SCC OnLine Kar 16

¹⁰⁰ Indian Young Lawyers Association v. State of Kerala, (2019) 11 SCC 1.

¹⁰¹ Safai Karamchhari Andolan v. Union of India, (2014) 11 SCC 224.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ The Protection of Civil Rights Act, 1955 (Act 22 of 1955), s. 7A.

Carrying forward any of the caste-based job titles even in the post-constitutional era amounts to identifying communities through work labels, which reinforces the social hierarchies and socially acquired¹⁰⁵ meanings of these titles, keeping alive the very social exclusion that Article 17 was meant to end. Such occupational posts institutionalise caste hierarchies within the language of administration itself, normalising social inequality through the bureaucratic routine. Thus, the continued usage of caste-linked administrative posts defeats the purpose of the constitutional safeguards by actively embedding caste-identifying occupations and positions into the systemic structures through institutional sanction.

Dignitary Harm and Identity

Article 21 has been judicially expanded to include the right to live with dignity. In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*,¹⁰⁶ it was held by the Supreme Court that the right to life encompasses “the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing, and shelter and facilities for reading, writing, and expressing oneself in diverse forms.” When institutions utilise caste names such as “*Dhobi*”, “*Mali*”, “*Mulia*”, and “*Hamal*”, the terms then become identifiers and tools of degradation and humiliation. Names are not merely nouns. Instead, they are signifiers of identities and “points of identity”.¹⁰⁷ Similarly, caste-based occupational titles may indicate ancestry to the detriment of the employees seeking employment. The social power of such labels severely impacts by segregating and inflicting dignitary harm.¹⁰⁸ Thus, using more neutral terminology, instead of caste identifiers, is essential in maintaining the dignity of individuals and ensuring respectability within job titles in the Rules.

Colonial administrative terms, such as “*Coolie*”, have historical significance to systems of indentured labour, slavery, and coercion.¹⁰⁹ Historical caste terms, naturalised by the British, such as “*Bheeshtee*”, “*Hamal*”, “*Malee*”, and “*Dhobie*” reflect social subordination.¹¹⁰ Continuing to use terminology rooted in exploitative systems violates dignity, even if modern

¹⁰⁵ Swaran Singh and Ors. v. State through Standing Counsel and Ors. (2008) 8 SCC 435.

¹⁰⁶ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608.

¹⁰⁷ “From Enslavement to Emancipation: Naming Practices in the Danish West Indies”, *Comparative Studies in Society and History*, available at: <https://www.cambridge.org/core/journals/comparative-studies-in-society-and-history/article/from-enslavement-to-emancipation-naming-practices-in-the-danish-west-indies/AA20B5B0CF67C8804CE1DAD3F203A1BA> (last visited on September 27, 2025).

¹⁰⁸ *Ibid.*

¹⁰⁹ Hugh Tinker, *A New System of Slavery: The Export of Indian Labour Overseas, 1830–1920* (Oxford University Press, London, 1974); R. E. Enthoven, *The Tribes and Castes of Bombay* (Asian Educational Services, New Delhi, Madras, 1990).

¹¹⁰ E.H. Aitken (EHA), *Behind The Bungalow* 61, 80, 114, 122 (6th edn., W. Thacker & Co., London 1897).

employment is neither deemed to be nor technically a form of ‘forced labour’. Further, the normalisation of certain nomenclature under the guise of establishing a security mechanism institutionalised policing. Nomenclatures such as “*Watch and Ward*”, “*Chaukidari System*”, “*Darban*”, and “*Watchman/Chowkidars*”, were employed by the local communities. The British referred to them as “criminal tribes”, thus making the naming just a euphemistic title.¹¹¹ While this system was a local security arrangement, it functioned as a colonial mechanism of state surveillance.¹¹² Such systems institutionalised the networks of informers, turning the local population into an extension of colonial policing.¹¹³ This blurred the distinction between labour and punishment, in particular when communities designated as “criminal tribes” were designated to work in these systems of security.¹¹⁴

Similar segregation existed in the Prisons of India. In the case of *Sukanya Shantha v. Union of India*,¹¹⁵ the Supreme Court held that a Prison Manual segregating prisoners based on provisions using terms like “superior mode of living” implied that other prisoners were inferior in some manner. Further, it held that assigning menial tasks based on caste is unconstitutional as it violates fundamental rights guaranteed under Articles 14, 15, 17, 21, and 23 of the Constitution. Thus, the continued use of terminology rooted in systems of slavery, servitude, and forceful labour, or even those that merely institutionalise the performance of menial work, is a violation of the right to a dignified life under Article 21.

Terms like “*Jamadar*”, “*Halalkhor*”, “*Sewak/Sewika*” have also been ‘*naturalised*’ to become tools of social abuse. The Supreme Court in *Swaran Singh v. State*¹¹⁶ stated that when a word ‘*acquires*’ a derogatory meaning over time, even if they were etymologically neutral or not derogatory in origin, the courts must consider the contemporary understanding and social perception of that word in that light, emphasising the impact of the acquired meaning of a term. “*Jamadar*” and “*Halalkhor*” are words that originally had positive meanings. However, over time, they have turned into terms used to insult and humiliate. Words can eventually come to

¹¹¹ Anastasia Piliavsky, “The Moghia Menace, or the Watch Over Watchmen n British India” 47 *Modern Asian Studies* 751 (2013).

¹¹² Javed Iqbal Wani, “Mukhiyas and Chowkidars: Understanding the ‘New’ Sense of Public Order in the United Provinces, 1947-1955”, *Sovereign Anxiety*, June 30, 2023.

¹¹³ *Ibid.*

¹¹⁴ Partha Pratim Shil, “Orality, State Power, and the Labour of Policing in Colonial Bengal, c.1850–1947” *Past & Present* (In Press, 2025), available at: <https://doi.org/10.1093/pastj/gtaf005> (last visited on November 5, 2025).

¹¹⁵ *Sukanya Shantha v. Union of India*, (2024) 15 SCC 535.

¹¹⁶ *Swaran Singh and Ors. v. State through Standing Counsel and Ors.* (2008) 8 SCC 435.

have negative meanings based on historical usage and social context, regardless of their etymological meaning.

In *Pravasi Bhalai Sangathan v. Union of India*,¹¹⁷ the Supreme Court adopted an objective test for hate speech, drawing in part on the Canadian Supreme Court decision in *Saskatchewan (Human Rights Commission) v. Whatcott*,¹¹⁸ it stated:

“The question courts must ask is whether a reasonable person, aware of the context and circumstances, would view the expression as exposing the protected group to hatred... The legislative term ‘hatred’ or ‘hatred or contempt’ must be interpreted as being restricted to those extreme manifestations of the emotion described by the words ‘detestation’ and ‘vilification’.

Thus, in the Indian context, it can be argued that a ‘reasonable person, aware of context,’ would understand that terms such as “*Halalkhor*”, “*Scavenger*”, or “*Jamadar (Safaiwala)*” expose marginalised communities to detestation by marking them as suited only for ‘polluting’ labour.

As Benson stated, “*Names can be weapons of domination that strip individuals of personhood, but they also become sites of resistance and identity reclamation.*”¹¹⁹ Therefore, caution should be practised so that such identifiers are not then ‘*naturalised*’ in common parlance.

Prohibition of Forced Labour

The prevalence of caste-based occupation in the administrative nomenclature creates a structural compulsion that amounts to forced labour, thus violating Article 23 of the Constitution. This has also been upheld by the Supreme Court in its numerous pronouncements. In the case of manual scavenging, where workers were compelled to undertake hazardous tasks without the provision of protective gear, the Court held that it constituted *forced labour* under Article 23.¹²⁰ Similarly, it was held that compelling prisoners into menial tasks based on their caste robs them of their dignity.¹²¹

¹¹⁷ *Pravasi Bhalai Sangathan v. Union of India*, (2014) 11 SCC 477.

¹¹⁸ *Saskatchewan (Human Rights Commission) v. Whatcott*, 2013 SCC 11, (2013) 1 S.C.R. 467 (Canada).

¹¹⁹ Susan Benson, “Injurious Names: Naming, Disavowal, and Recuperation in Contexts of Slavery and Emancipation”, in G. vom Bruck and B. Bodenhorn (eds.), *An Anthropology of Names and Naming* 177-199 (Cambridge University Press, Cambridge, 2006).

¹²⁰ *Dr. Balram Singh v. Union of India*, 2023 INSC 950.

¹²¹ *Sukanya Shantha v. Union of India*, (2024) 15 SCC 535.

This structural compulsion operates in three ways: *official recognition*, *institutional legitimisation*, and *social legitimisation*. First, *official recognition* of terms like “Halalkhor”, “Jamadar”, or “Scavenger” in Service Rules *legitimises* the pre-constitutional, caste-based view of labour. Second, this *institutional legitimisation* normalises the idea of hereditary occupation within society. Finally, *social legitimisation*, which constrains individual choice through a multi-layered compulsion of economic necessity, social expectation, results in hiring discrimination. This compulsion, reinforced through administrative Service Rules, systematically pushes generations into the same degrading occupations, which denies them their freedom of choice, effectively resulting in forced labour.

Further, the retention of terms that link whole communities with sanitation and servitude ‘*legitimises*’ social hierarchies,¹²² which exemplifies ‘*symbolic violence*’ (Bourdieu).¹²³ It also perpetuates colonial and casteist notions of the innate suitability of people for degrading tasks. Further, Butler’s ‘*performative theory*’ reveals that such official nomenclature does not merely describe but actively constitutes social reality with material consequences. Applying this theory to the nomenclature, it becomes evident that performative effects are iterative and institutional. Hence, state *repetition* of these occupational names helps fix social roles over time.¹²⁴

Notably, functional occupational allocation operates as *systemic ‘subordination’*,¹²⁵ creating the ‘*compounded discrimination*’ that individuals face through multiple simultaneous axes,¹²⁶ including economic necessity, social expectations, official reinforcement, and hiring discrimination. Additionally, Gramsci’s theory of ‘*hegemony*’¹²⁷ elucidates how this terminology secures consent of subordinated groups to an oppressive social order by *naturalising* hierarchy, yet such consent manufactured through systematically foreclosed alternatives cannot constitute valid consent under Article 23. These theoretical frameworks collectively demonstrate that official caste-linked terms create *structural compulsion* through

¹²² Michel Foucault, *Discipline and Punish: The Birth of the Prison* 27 (Vintage Books, New York, 1995).

Michel Foucault, “Truth and Power”, in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* 131, 132 (Pantheon Books, New York, 1980).

¹²³ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24 (Polity Press, Cambridge, 1991).

¹²⁴ Judith Butler, *Excitable Speech: A Politics of the Performative* 179 (Routledge, New York, 1997).

¹²⁵ B.R. Ambedkar, “*Annihilation of Caste*” 21 (3rd edn., The Ambedkar School of Thought, Amritsar, 1944).

¹²⁶ Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics”, (1989) University of Chicago Legal Forum 139.

¹²⁷ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12, 57 (Lawrence and Wishart, London, 1971).

symbolic legitimisation, performative construction, constraint, hegemonic naturalisation, and ‘capability deprivation’,¹²⁸ violating the constitutional prohibition against forced labour.

This lack of choice, when rooted in structural compulsion, including caste-based assignment to degrading work, directly falls under the definition of forced labour in Article 23. The denial of choice based on caste background, as held in the context of prisons, oppresses individual dignity and emphasises the forced nature of the work. Thus, eliminating caste-linked occupational terms from official Rules is not just symbolic. It is a step to *dismantle* such constraints and *enable* the freedom of occupational choice.

Jurisprudence and Interpretation

The constitutional principles discussed above have been reinforced by recent judicial and administrative developments in India, highlighting the dire need for amendment in the existing administrative nomenclature. For instance, recently, the Allahabad High Court in *Praveen Chetri v. State of U.P.*¹²⁹ held that recording *caste identifiers* such as Mali, Pahadi Rajput, Thakur, Punjabi Parashar, and Brahmin in official documents like FIRs and seizure memos “*serves no lawful or legitimate purpose.*” The Court observed that “*pride in ancestry or social identity cannot be a substitute for the values of equality, justice, and fraternity enshrined in the Constitution.*” The ruling explicitly addressed the practice common throughout northern states of India, whereby individuals mark homes and automobiles with caste emblems and slogans. This assertion of caste identifiers in public spaces is an assertion of social power, which is antithetical to the constitutional ideals of India. Remarkably, following this ruling, vehicles in Uttar Pradesh were fined for displaying caste or religious stickers.¹³⁰

Recent institutional reforms show that linguistic change is not only constitutionally imperative but also administratively possible. The Supreme Court, in its April 11, 2023, notification, modified its Officers and Servants Rules by substituting terms such as “*Jamadar (Farash)*” with “*Supervisor (Room)*” and “*Jamadar (Safaiwala)*” with “*Supervisor (Cleaning Services)*”, a reform based on the First National Judicial Pay Commission Report of 2003. In the same vein, the Central Armed Police Forces did away with similar titles for “administrative ease”, such as “*Safai Karamchari*”, “*Kahar*”, “*Farash*”, and “*Masalchi*”, replacing them

¹²⁸ Amartya Sen, *Development as Freedom* 131 (Oxford University Press, New York, 1999).

¹²⁹ *Praveen Chetri v. State of U.P.*, 2025 SCC OnLine All 6103

¹³⁰ “Following Allahabad HC’s Directives, Uttar Pradesh Prohibits Caste Mention in FIR, Political Rallies, Public Signs”, *The Hindu*, September 23, 2025.

with neutral professional designations like “*Multi-Tasking Staff (Kitchen Services)*”¹³¹ and “*Kitchen Assistant.*”¹³² Further, the Ministry of Social Justice & Empowerment also warned against stigmatising designations like “*Harijan*” in official usage.¹³³ These reforms recognise that hierarchical categorisations produce damaging “*class consciousness*”¹³⁴ in services and “*hurt the feelings of employees*”.¹³⁵

It was noted in the Allahabad High Court judgment, “While anti-discrimination laws provide punishment for caste-based exclusion, they cannot by themselves dismantle centuries-old social structures,” since in India, caste functions as identification, and assertion of power all at the same time. The judgment, theoretically rooted in Ambedkar’s articulation, highlights that caste is essentially anti-national because it creates separation in social life and gives rise to “*jealousy and antipathy between caste and caste.*” Hence, underscoring the necessity step to remove caste-coded terms from state vocabulary in order to dismantle the existing socially hierarchical linguistic infrastructure.

Recently, the Supreme Court questioned the reason for mentioning the caste of an accused in the case title. It emphasised in *State of Rajasthan v. Gautam*¹³⁶ that:

“*An accused has no caste or religion when the Court deals with his case. We fail to understand why the caste of the accused has been mentioned in the cause title of the judgments... The caste or religion of a litigant should never be mentioned in the cause title of the judgment.*”

This principle was further reinforced to extend this anti-discrimination jurisprudence to procedural matters and filings in *Shama Sharma v. Kishan Kumar*,¹³⁷ where the Court issued comprehensive directions that the caste or religion of parties should no longer be mentioned in any filings before courts across the country (except in instances involving the Scheduled Castes

¹³¹ “Govt Replaces Safai Karamchhari, Kahar Categorisation for CAPF Jawans with MTS, Kitchen Services”, *The Hindu*, October 21, 2020.

¹³² *Central Reserve Police Force, Constable (Kitchen Services) Group ‘C’ Posts Recruitment Rules, 2021*, G.S.R. (E) (Ministry of Home Affairs, New Delhi, 2021).

¹³³ Ministry of Social Justice and Empowerment, *Need to avoid the use of term “Harijan” in respect of Scheduled Castes in official communications and transactions* No. 17020/64/2010-SCD (R.L. Cell) (November 22, 2012).

¹³⁴ Justice K. Jagannatha Shetty, “*First National Judicial Pay Commission Report*” 25 (Government of India, 1999).

¹³⁵ *Ibid.*

¹³⁶ *State of Rajasthan v. Gautam*, 2023 INSC 903.

¹³⁷ *Shama Sharma v. Kishan Kumar*, (2024) 13 SCC 397.

and Scheduled Tribes (Prevention of Atrocities) Act, 1989, where caste is *a material fact*). Consequently, the Supreme Court Registry issued a circular implementing this mandate.¹³⁸

This raises a pertinent question: if caste cannot be mentioned in judicial proceedings on the basis of its relevance and prejudicial potential, is it fair, then, to retain caste-coded occupational titles in the judiciary's Service Rules?

These developments create a resounding argument that caste has no legitimate place in the official language of judicial institutions and cannot be allowed to indirectly naturalise the dehumanising, humiliating, and discriminating terms that reaffirm existing power structures.

¹³⁸ Supreme Court of India, *Circular F.No. 3/Judl./2024*, dated February 7, 2024.

V. DECONSTRUCTING THE LEXICON OF SUBORDINATION

While the preceding sections identified the terms persisting in Conditions of Service Rules of the Supreme Court, and twenty-five High Courts in India, it also laid down the jurisprudential and constitutional framework for the linguistic reform; the section below analyses those identified administrative lexicons. This analysis is done to move from the constitutionally abstract understanding of the institutional language to exploring its impact in defining, re-living, and re-establishing the very hierarchies the Constitution aimed to dismantle.

By naming administrative posts in terms that are embedded with the residues of colonial, caste-based servitude, and hierarchy, language becomes more than a mere neutral descriptor. It takes the form of an *'instrument of power'* (Fairclough), *'a mechanism of symbolic domination'* (Bourdieu), *'a site of hegemony'* (Gramsci), and *'a tool through which recognition and misrecognition'* take place (Taylor and Honneth). This understanding is applied to the following datasets, where an attempt has been made to examine each term in its *historical, etymological, and socio-linguistic context*, analysing how each term has evolved in its meaning and connotations.

For better comprehension, the identified administrative lexicon has been organised into four thematic clusters, each exploring the distinct way in which inequality is contained and reproduced through language. These divisions explore how language mirrors the societal inequalities into the hierarchical institutional structures and identify specific dignitary harm that each administrative term reproduces, discrimination, loss of dignity, inequality, and inherently becomes a carrier of colonial residue. The ascertained thematic clusters, which may overlap, are as follows:

- 1. Colonial Administrative Lexicon.**
- 2. Menial or relating to Servitude.**
- 3. Terms reinforcing caste-based occupations.**
- 4. Societal Perception, Semantic Erosion, and Stigma.**

COLONIAL ADMINISTRATIVE LEXICON

Numerous administrative titles present in the Supreme Court and High Court Rules, such as “*Court Servant*”, “*Chobdar*”, “*Chowkidar*”, “*Coolie*”, “*Darwan*”, “*Havildar*”, “*Naik*”, “*Peon*”, “*Room Boy*”, or “*Watch and Ward*”, respectively, originate from the British administrative and military order. These titles were either borrowed from colonial terms or drawn from the local languages. As linguistic relics of colonialism, these nomenclatures were embedded with hierarchy, servitude, discipline, and obedience.¹³⁹

The scrupulously tiered administrative structures governed the British rule in India, where indigenous titles of subordination were absorbed and remodelled as administrative posts. This formalised the social hierarchy as a bureaucratic order where “*Jemadar*” / “*Jamadar*” became a lower-ranking overseer from a commander of troops, “*Chobdar*” became a court usher, “*Darwan*” and “*Peon*” were systematised as attendants, and the “*Coolie*” as a labourer. Thus, the nomenclature of colonial governance became the blueprint of administrative subjection, which largely remained unchallenged. This persistent discourse that demarcated the administration into officers and orderlies, and ‘*thinking men*’ and ‘*men of service*’, produced subjects fitting the needs of the institution and ‘*naturalised*’ inequality. Through rank and function, the people were defined in a manner that justified hierarchy as orderly and rational, which gradually became *bureaucratic common sense*. Thus, this section interrogates these titles from the perspective of their *genealogy*, *prevalence*, and the *dignitary harm* that they impose on their employees.

Identified Terms:

1. Court Servant¹⁴⁰

- 1.1. **Prevalence:** This is an extensively used term in the Conditions and Service Rules of the Supreme Court, and the High Courts of Allahabad, Delhi, Gauhati, Karnataka, and Manipur.

¹³⁹ A separate theoretical exposition for “*Daftary*” (and its variations such as *Daftari* and *Duffadar*) has been omitted. The dignitary harm associated with this term, i.e., the reduction of skilled clerical and records-management duties to a subordinate, menial status, is thematically analogous to the *harms* discussed in relation to “*Peon*” and “*Basta Bardar / Bundle Lifter*”.

¹⁴⁰ The Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961, r. 2(b); The High Court Establishment (Appointment and Conditions of Service) Rules, 1973, r. 22-C; High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020, r. 3 read with Sch. I; The High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998, r. 2, vide Govt. Sikkim Gaz. Extra. No. 233, dated October 13, 1998; The High Court of Karnataka

1.2. Origin: The terminology of “*Servant*” in the judicial context has deep historical roots in the English constitutional framework. In early England, judges themselves served as “*servants of the Crown*”, functioning as the King’s surrogates for dispensing justice, a relationship formalised through the 1344 Oath of Justices.¹⁴¹ In the eighteenth and early nineteenth-century Britain, ‘*servant*’ broadly denoted any person whose service was owed to a *master*, regardless of the employment type.¹⁴² During British colonial administration in India, the East India Company’s administrative apparatus operated through a complex hierarchy reflecting racial and functional divisions. The term ‘Covenanted Civil Service’ emerged during Lord Cornwallis’s administration in the late eighteenth century. It was derived from the formal covenants that British administrators rendered with the Company. In stark contrast, Indian staffing of lower administrative posts were classified as ‘*uncovenanted servants*’, a designation that formalised their *subordinate status*, which was later reorganised into the Subordinate Civil Service.¹⁴³ Warren Hastings explicitly tied integrity and authority to the covenant status of officials, declaring that confidential business “ought never to be entrusted to any but the covenant servants of the Company.”¹⁴⁴

The term had three connotations: while the persons employed *at will* were termed as *servants*, the individuals employed *at the pleasure of the Crown* were referred to as the *Crown Servants*, and the employees specifically *employed to implement government policies* were termed as *Civil Servants*. However, these categories did not include the judges.¹⁴⁵

Service (Conditions of Service and Recruitment) Rules, 1973, r. 2(d); The High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011, r. 2(h); The Kerala High Court Service Rules, 2007, r. 4, Div. IV, item 5; The Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct & Appeal) Rules, 2015, p. 67; The High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, vide Notification No. 2/Vc-119, Official Gazette, August 23, 1976.

Certain service rules contain designations such as “servant,” “servant of the court,” and “government servant.” Given the common usage of the term “servant,” all occurrences have been consolidated under the category “Court Servant” for analytical consistency.

¹⁴¹ Stewart Jay, ‘Servants of Monarchs and Lords: The Advisory Role of Early English Judges’ (1994) 38 *American Journal of Legal History* 117.

¹⁴² Peter N Stearns (ed), *Oxford Encyclopaedia of the Modern World* (Oxford University Press, 2008).

¹⁴³ Bradford Spangenberg, ‘The Problem of Recruitment for the Indian Civil Service During the Late Nineteenth Century’ (1971) 30(2) *Journal of Asian Studies* 341.

¹⁴⁴ Warren Hastings and WH Hutton, ‘A Letter of Warren Hastings on the Civil Service of the East India Company’ (1929) 44(176) *The English Historical Review* 636.

¹⁴⁵ *Oxford Dictionary of Law* (9th edn, Oxford University Press, New York, 2018).

Under the Constitution of India, the term “*Court Servant*” finds its origins in Articles 146 and 229. It allows the employment of ‘*officers and servants*’ to denote judicial administrative staff. This was subsequently codified in the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961,¹⁴⁶ as “*court servants*”.¹⁴⁷ Here, the term has specifically been used to denote those working to *serve* the Court.

1.3. Dignitary Harm: Though legally codified, the job title “*Court Servant*” fails to pass the ethos of constitutionally mandated equality and dignity standards. *Discursively*, the usage of the term ‘*servant*’ is not value-free. It prescribes and strengthens a worldview of hierarchy that unequally distributes respect depending on an individual’s social or institutional position.¹⁴⁸ This term’s long-standing usage normalises the ‘*symbolic subordination*’ within a democratic institution and contributes to *invisible domination*¹⁴⁹ and enables the creation of ‘*graded inequality*’.¹⁵⁰ This process further leads to ‘*internalisation of subordination*’,¹⁵¹ where individuals begin to perceive and perform according to the predefined hierarchy. It causes ‘*misrecognition*’,¹⁵² denying employees equality and perpetuating ‘*structural humiliation*’, which gradually corrodes the individual’s worth.¹⁵³

¹⁴⁶ Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules 1961.

¹⁴⁷ Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules 1961, s 2(b)

¹⁴⁸ Foucault’s work demonstrates that discourse is not a value-free reflection of reality but a practice that actively constructs it. Language, as part of a ‘*discursive formation*’, establishes systems of classification and hierarchy that produce subjects and define their social and institutional positions. Thus, it is argued that the term ‘*servant*’ is not merely a label but a discursive act that produces and reinforces a specific, subordinate status within a power-laden institutional order. Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972); Michel Foucault, *Discipline and Punish: The Birth of the Prison* 194 (Vintage Books, New York, 1995).

¹⁴⁹ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 37 (Polity Press, Cambridge, 1991).

¹⁵⁰ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216-1218 (Dr. Ambedkar Foundation, New Delhi, 2020).

¹⁵¹ Louis Althusser, “Ideology and Ideological State Apparatuses Notes Towards an Investigation”, in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971).

¹⁵² Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 169, 170 (Polity Press, Cambridge, 1991).

¹⁵³ Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995). Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

2. Chobdar¹⁵⁴

- 2.1. Prevalence:** The nomenclature “*Chobdar*” is found in the Bombay High Court Original Side Service Rules, 2002, High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011, and the Madras High Court Service Rules, 2015.
- 2.2. Origin:** “*Chobdar*” is defined as a silver-pole bearer and a retainer of persons of consequence.¹⁵⁵ They have been described as upper-class *servants* akin to *munshis*, *clerks*, *khansamas*, etc.¹⁵⁶ Interestingly, the word “*Choabdar*” also appears in a travel journal of 1812, where it meant ‘a servant carrying a silver stick who runs before persons of consequence.’¹⁵⁷ Today, the role is largely ceremonial, where ‘*Chobdar*’ acts as a mace-bearer, *symbolising* the authority of the court and its judges. Recently, the Madras High Court appointed the first woman ‘*Chobdar*’.¹⁵⁸
- 2.3. Dignitary Harm:** The word “*Chobdar*” codifies a vertical relationship of ‘*subordination*’. It is intrinsically derogatory based on its original meaning as a term describing those who waited on “persons of consequence”. The usage of this term in today’s time ‘*discursively*’ echoes power dynamics that were enforced during colonial times.¹⁵⁹ Though *Chobdars* were ranked as “upper-class servants” together with *munshis* and *khansamas*, the very essence of the position was set by the duty to run before masters carrying a silver mace, which

¹⁵⁴ The Bombay High Court Original Side Service Rules, 2002, r. 3(a) read with r. 32; The High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011, r. 2(h).

¹⁵⁵ J.H. Stocqueler, *Oriental Interpreter* 60 (London, 1848), available at: <https://dn720202.ca.archive.org/0/items/b33098591/b33098591.pdf> (last visited on September 27, 2025).

¹⁵⁶ Nitin Sinha, “Who Is (Not) a Servant, Anyway? Domestic servants and service in early colonial India”, *Modern Asian Studies* 161-162 (Cambridge University Press, 2020).

¹⁵⁷ Maria Graham, *Journal of a Residence in India* 57 (Archibald Constable and Co., Edinburgh, 1812), available at: <https://www.cambridge.org/core/books/journal-of-a-residence-in-india/7AE3B7FF3DC5BD2CF6548E9DCC9D4478> (Cambridge University Press online edition, 2013) (last visited on September 27, 2025).

¹⁵⁸ Express News Service, “First Woman Mace-Bearer at Madurai Bench of Madras High Court”, *The New Indian Express*, December 5, 2022, available at: <https://www.newindianexpress.com/states/tamil-nadu/2022/Dec/05/first-woman-mace-bearer-atmadurai-bench-of-madras-high-court-2525457.html> (last visited on September 27, 2025).

¹⁵⁹ Foucault argues that discourse is a social practice that does not merely reflect reality but actively constructs it, shaping power relations and social hierarchies. The persistence of a colonial-era term like “*Chobdar*” is a *discursive act* that reproduces the historical subordination from which it emerged, serving as both an ‘*instrument and an effect of power*’. Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972); Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* 100-101 (Pantheon Books, New York, 1978).

marked them as *functional objects* of others' status as opposed to independent professionals (*'misrecognition'*).¹⁶⁰ The 1812 account reinforces *Chobdar's* status as essentially *'relational'* and *'subservient'*, their value based purely on proximity to power rather than on independent skill or authority. The preservation of this colonial-era terminology serves as an instrument of *'cultural hegemony'*, normalising the archaic and non-democratic titles.¹⁶¹

3. Chowkidar¹⁶²

3.1. Prevalence: The term "*Chowkidar / Chaukidar*" means watchman or caretaker, and is prevalent in the High Courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Gauhati, Himachal Pradesh, Jharkhand, Karnataka, Madhya Pradesh, Manipur, Meghalaya, Odisha, Patna, Punjab & Haryana, Sikkim, and Uttarakhand. The term, in general parlance, is used for security guards.

3.2. Origin: "*Chowkidari*" system prevailed during the colonial rule, where they were part of auxiliary institutions for surveillance at the local level, and also responsible for the collection of statistics.¹⁶³ In the 1880s, a proposal was floated to use "unemployed" and "reformed ex-criminals" as "efficient informers" in

¹⁶⁰ Pierre Bourdieu, "The Economy of Linguistic Exchanges", in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22-24, 169, 170 (Polity Press, Cambridge, 1991).

¹⁶¹ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12, 57 (Lawrence and Wishart, London, 1971).

¹⁶² The High Court of Meghalaya Officers and Staff (Recruitment and Conditions of Service) Rules, 2019, App. A, Group D (Chowkidar). High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998, Sch. I, Group D (Chowkidar); The High Court of Karnataka Service (Conditions of Service and Recruitment) Rules, 1973, Sch. I, Class IV (Watchman/Chowkidar); High Court of Madhya Pradesh Services (Recruitment, General Conditions of Services, Conduct, Classification, Control and Appeal) Rules, 2017, Sch. IV, Class IV (Chowkidar); Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct & Appeal) Rules, 2015, Sch. I, Group D (Chowkidar); Gauhati High Court Service Rules, 1967, Sch., Class IV (Chowkidar); The Andhra Pradesh Judicial Ministerial and Subordinate Service Rules, 2019, Annex. I, Category 8 (Office Subordinate/Chowkidar); The High Court Establishment (Appointment and Conditions of Service) Rules, 1973, r. 22-C; The High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020, Sch. I, Cl. IV; Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules, 2017, Sch. III, item 59, cl. (vi), r. 12 & Sch. D.; The Jharkhand High Court Officers and the Members of the Staff (Recruitment, Conditions of Service, Conduct and Appeal) Rules, 2003, vide Jharkhand Gaz. Extra. No. 390, dated December 24, 2002; The High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4(a), vide Notification No. 2/Vc-119, Official Gazette, August 23, 1976. (This citation covers both repeated entries); The Bombay High Court Original Side Service Rules, 2002, r. 44; The Patna High Court Officers and Staff (Recruitment, Appointment, Promotion and Other Conditions of Service and Conduct) Rules, 2021, Sl. No. 16; The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, r. 37(1); The High Court Establishment (Appointment and Conditions of Service) Rules, 1973, Rule 22-C.

¹⁶³ Javed Iqbal Wani, "Mukhiyas and Chowkidars: Understanding the 'New' Sense of Public Order in the United Provinces, 1947-1955", *Sovereign Anxiety*, June 30, 2023.

criminal tribe settlements.¹⁶⁴ The village *Chaukidari* system was formally institutionalised in Bengal through the Village Chaukidari Act, 1870,¹⁶⁵ which defined the *Chaukidar* as an “officer who may have been bound to keep watch in any village and report crime to the police,” creating salaried watchmen (*chaukidars*) under district control and funded locally.¹⁶⁶ Administratively, in Madras, *Chaukidars* and their *Dafadars* were embedded in the colonial policing chain to report offences to the thana.¹⁶⁷ Security designations like “*Watchman*”, “*Chowkidar*”, and “*Durwan*” operated within overlapping systems of surveillance, subordination, and exploitation, carrying forward not merely administrative vocabulary but a conceptual architecture premised on extractive, non-professional security arrangements of pitting neighbour against neighbour.¹⁶⁸

3.3. Dignitary Harm: The *genealogy* of this term places it firmly in a feudal and colonial context, where they are associated with guarding a property (“*Chauki*” or *post*) of a zamindar or colonial officer.¹⁶⁹ The term creates a stark distinction between the professional staff and the supportive staff of the institution, thereby enabling a system of ‘*graded inequality*’, denying equal respect and professional dignity to those with modern and functional titles.¹⁷⁰ It takes the shape of a tool for maintaining hierarchy, which normalises the usage, thus causing ‘*symbolic violence*’.¹⁷¹ It also dehumanises the employees, where the individual is not seen as a professional with skills but merely as a *watchman*, thereby ‘*thingifying*’¹⁷² and ‘*misrecognising*’¹⁷³ their institutional existence. The persistence of this term continues due to the normalisation of the colonial

¹⁶⁴ *Ibid.*

¹⁶⁵ The Village Chaukidari Act, 1870.

¹⁶⁶ The Village Chaukidari Act, 1870, s. 1.

¹⁶⁷ David Arnold, *Police Power and Colonial Rule: Madras, 1859-1947* 17 (Oxford University Press, Delhi, 1986).

¹⁶⁸ Partha Pratim Shil, “Orality, State Power, and the Labour of Policing in Colonial Bengal, c.1850–1947” *Past & Present* (In Press, 2025), available at: <https://doi.org/10.1093/pastj/gtaf005> (last visited on October 29, 2025).

¹⁶⁹ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972).

¹⁷⁰ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216-1218 (Dr. Ambedkar Foundation, New Delhi, 2020).

¹⁷¹ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 170 (Polity Press, Cambridge, 1991).

¹⁷² Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

¹⁷³ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991).

bureaucratic nomenclature, which has become *'hegemonic'*.¹⁷⁴ It is also antithetical to the constitutional values of equality and dignity enshrined under Articles 14, 15, 17, and 21 of the Constitution of India.¹⁷⁵

4. Coolie¹⁷⁶

4.1. Prevalence: The nomenclature “*Coolie*” is mentioned in the Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, which is also applicable in Uttarakhand.

4.2. Origin: The etymology of the term “*Coolie*” is contested, having multiple proposed origins, including the Hindi word “*Koli*” (race in India), the Tamil word “*Kuli*” (signifying wages or hired labour), and the Turkish word “*Kuli*” (meaning slave).¹⁷⁷ Presently, the term is used to describe day labourers and porters.¹⁷⁸ The designation was fundamentally a colonial term rather than a self-identified term used by the labourers themselves.¹⁷⁹ Historical context shows that the *coolies* formed a part of indentured labour systems.¹⁸⁰ The term is also defined under ‘*Coolie trade*’ as contract emigration that functioned essentially as slavery, replicating the brutal conditions of the slave trade, particularly regarding the inhumane treatment and severe suffering endured by *Coolies* during sea voyage.¹⁸¹ This nomenclature achieved global circulation through European colonial expansion, particularly via Portuguese sailors during the sixteenth century. European traders subsequently disseminated the word throughout Asian port cities, eventually extending its usage to China and Southeast Asia. By the eighteenth century, ‘*Coolie*’ had acquired a transcontinental definition encompassing any Indian or Chinese labourer

¹⁷⁴ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12,57 (Lawrence and Wishart, London, 1971).

¹⁷⁵ The continuous loss and injury inflicted upon the employees results in humiliation and subordination which further leads to Taylorian ‘*misrecognition*’. Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

¹⁷⁶ The Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4(a).

¹⁷⁷ Samuel Couling, *The Encyclopaedia Sinica* 133 (Oxford University Press, London, 1917).

¹⁷⁸ Coolie, Cambridge Advanced Learner’s Dictionary, available at: <https://dictionary.cambridge.org/dictionary/english/coolie> (last visited September 28, 2025).

¹⁷⁹ Samuel Couling, *The Encyclopaedia Sinica* 133 (Oxford University Press, London, 1917).

¹⁸⁰ Hugh Tinker, *A New System of Slavery: The Export of Indian Labour Overseas, 1830–1920* (Oxford University Press, London, 1974).

¹⁸¹ Samuel Couling, *The Encyclopaedia Sinica* 133 (Oxford University Press, London, 1917).

engaged for manual work, whether employed locally or transported overseas.¹⁸² This transformation converted the term from a *neutral descriptor* of wage labour into a *racialised category* specifically denoting colonial workers. Eventually, it came to mean ‘any work that is low-paying’.¹⁸³

4.3. Dignity Harm: The “*Coolie*” identity was constructed by dehumanising racial ideologies.¹⁸⁴ This systematic dehumanisation was intrinsic to the operation of the system, as it justified treating human beings as *commodified labour* rather than as persons with inherent dignity.¹⁸⁵ The racialised character of *coolie* labour extended beyond mere economic exploitation, which stripped them of the fundamental ‘*properties of personhood*’.¹⁸⁶ The system specifically targeted what colonial administrators termed the weakest in society, thereby legitimising conditions that commodified workers as *non-proprietary subjects*.¹⁸⁷ Those who supported the indenture scheme claimed that it offered Indian migrants a chance to improve their condition and escape from intolerable conditions on the subcontinent.¹⁸⁸ Understanding ‘*Coolie*’ as indentured labour reveals how colonial capitalism adapted slavery’s fundamental logic while appearing to embrace free labour ideology.¹⁸⁹ The continuation of which is both a ‘*wounding symbolic designation*’¹⁹⁰ and a ‘*performative act*’¹⁹¹ that, along with evoking the history of subjugation which maintains and ‘*reproduces*’ hierarchies.

¹⁸² Moon-Ho Jung, *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* 50 (Johns Hopkins University Press, Baltimore, 2006).

¹⁸³ Bidhu Bhardwaj Keyoor, “Glimpses of Re-subjugation of Coolie-Women” 5(2) *Indian J Res Anthropol* 75-78 (2019).

¹⁸⁴ Andrea Major, “‘Hill Coolies’: Indian Indentured Labour and the Colonial Imagination, 1836–38” 33(1) *South Asian Studies* 23 (2017); Jan Breman, “Colonialism and Its Racial Imprint” 35(3) *Sojourn: Journal of Social Issues in Southeast Asia* 463 (2020).

¹⁸⁵ “‘Bound Coolies’ and Other Indentured Workers in the Caribbean: Implications for Debates about Human Trafficking and Modern Slavery” 9 *Anti-Trafficking Review* 48 (2017).

¹⁸⁶ Cheryl I. Harris, “Whiteness as Property” 106 *Harvard Law Review* 1709 - 1791 (1993).

¹⁸⁷ *Ibid.*

¹⁸⁸ Andrea Major, “‘Hill Coolies’: Indian Indentured Labour and the Colonial Imagination, 1836–38” 33(1) *South Asian Stud.* 23 (2017).

¹⁸⁹ Zach Sell, “Asian indentured labor in the age of African American emancipation” 91 *Int’l Lab. & Working-Class Hist.* 8 (2017).

¹⁹⁰ Frantz Fanon, “The Negro and Psychopathology”, in Charles Lam Markmann (trans.), *Black Skin, White Mask* 109-162 (Pluto Press, London, 2008).

¹⁹¹ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 33, 43 (Routledge, New York, 1999).

5. Darwan¹⁹²

- 5.1. Prevalence:** The term “*Darwan*” is found in the Service Rules of the Bombay High Court Original Side Service Rules, 2002, The Calcutta High Court Service Rules, 1960 and Gauhati High Court Service (Appointment, Conditions of Service and Conduct) Rules, 1967.
- 5.2. Origin:** Historically, the term “*Darwan*”¹⁹³ referred to a domestic servant kept for the purpose of doorkeeping, especially in Bengal and Calcutta. Early writings hint at them being a linguistic group that consisted of palki bearers and dacoits, employed by Bengali Zamindars to keep the tenants in order.¹⁹⁴ It was also used to refer to men (usually from the *Khangar* community of Central India, also referred to as *Darbania*) employed by Zamindars to serve as estate guards or village watchmen.¹⁹⁵ ‘*Darbania*’ (or *Kotival* and *Jemadar*) were also used as village watchmen and field-labourers of the *Khangar* caste in Bundelkhand and the Central Provinces.¹⁹⁶ Notably, ‘*Darwans*’ (doorkeepers/guards) were classified as ‘*Chakars*’, menial servants who performed non-personal servile duties, positioned below ‘*Naukars*’ who served in more prestigious roles as upper-class servants.¹⁹⁷
- 5.3. Dignitary Harm:** The employment of “*Darwans*” in gatekeeping and surveillance roles within zamindari establishments and colonial institutions reflected both the continuation of pre-colonial hierarchies and their transformation under colonial administration. It also creates a ‘*discourse*’ demarcating the powerful and powerless, and insiders and outsiders, at an

¹⁹² The Bombay High Court Original Side Service Rules, 2002, r. 38; Gauhati High Court Services (Appointment, Condition of Service and Conduct) Rules, 1967, Sch. I, vide Assam Gaz. Part II-B, October 11, 1967, p. 2243; The Calcutta High Court Service Rules, 1960, Annexure III, Cl. IV.

¹⁹³ *Darwan, Durwan and Darban* are used interchangeably across the Service Rules, both deriving from the same historical and occupational root.

¹⁹⁴ GA Grierson, *Linguistic Survey of India* Vol V: Indo-Aryan Family, Eastern Group, Part II: Specimens of the Bihari and Oriya Languages, 5 (Calcutta, 1908).

¹⁹⁵ R. S. Russell, *The Tribes and Castes of the Central Provinces of India*, Vol. III, p. 439 (Macmillan & Co., Ltd., London, 1916).

¹⁹⁶ *Ibid.*

¹⁹⁷ Nitin Sinha, “ ‘Servant Problem’ and the ‘Social-Subaltern’ of Early Colonial Calcutta” in Nitin Sinha, Nitin Varma & Pankaj Jha (eds), *Servants’ Pasts: Sixteenth to Eighteenth Century, South Asia* Vol 1, 328 (Orient BlackSwan, New Delhi, 2019).

institutional level.¹⁹⁸ The title designates not merely a function but a fixed subordinate status within the institutional space, reducing the employee's role to a menial function, which is a form of 'humiliation'¹⁹⁹ that provokes 'misrecognition'.²⁰⁰ It also contradicts the constitutional principles of equality and dignity in employment. The persistence of this term at an institutional level 'interpellates' the individual into a role of gatekeeper whose primary identity is subservience to those who enter.²⁰¹ Thus, "Darwans" work at the threshold of power, within reach, but are never a part of the hierarchical power of the institution.

6. Havildar²⁰²

- 6.1. Prevalence:** The term "Havildar" appears in the High Court Service Rules of Bombay, Gujarat, and Andhra Pradesh.²⁰³
- 6.2. Origin:** The term "Havildar" originates from the Hindi word "hawāldār", which is derived from the Arabic term, "hawāla" (meaning charge), combined with Persian "dār" (meaning "having" or "holding").²⁰⁴ It was first mentioned in a 1698 travel account where the author describes it as "a kind of petty General" who resided in the town where the ruler's finest horses were kept.²⁰⁵ This indicates the administrative and military role that a *Havildar* held during this period.²⁰⁶ Later, in the British Indian Army, the "Havildar" rank was

¹⁹⁸ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972). Michel Foucault, *Discipline and Punish: The Birth of the Prison* 194 (Vintage Books, New York, 1995).

¹⁹⁹ Gopal Guru, "Humiliation: Claims and Context," in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

²⁰⁰ Charles Taylor, "The Politics of Recognition", in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

²⁰¹ Louis Althusser, "Ideology and Ideological State Apparatuses Notes Towards an Investigation", in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971).

²⁰² Variants of *Havildar* including *Havaladar* and *Hawaladar* are used interchangeably in the High Court Service Rules, reflecting their shared colonial-military origin.

²⁰³ The Bombay High Court Original Side Service Rules, 2002, r. 32; The Andhra Pradesh Judicial Ministerial and Subordinate Service Rules, 2019 (G.O.Ms.No.76, Law (L, LA&J - Home. Courts.A), May 15, 2019); The High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011 (as amended March 10, 2025).

²⁰⁴ *Havildar*, Merriam-Webster Dictionary, available at: <https://www.merriam-webster.com/dictionary/havildar> (last visited Nov. 3, 2025).

²⁰⁵ John Fryer, *A New Account of East-India and Persia, in Eight Letters: Being Nine Years Travels, Begun 1672, and Finished 1681* 126 (1698).

²⁰⁶ *Ibid.*

formally adopted as a non-commissioned officer equivalent to the rank of a sergeant.²⁰⁷ Additionally, in the Maratha administration, the term signified the keeper of a fort.²⁰⁸ The rank was also described as a military officer in the Maratha armies, commanding fifty men.²⁰⁹ In the context of the police force during the colonial era, a head constable was called the “*hawaldar*”, and the term evolved when the “*hawaldar*” started accompanying the Superintendent of Police during ceremonial parades.²¹⁰ Presently, “*Havildar*” is collectively advertised with Group D posts.

6.3. Dignitary Harm: The term “*Havildar*” in High Court Service Rules is a colonial military rank that reduces Court Support Staff to subordinate subjects rather than recognising them as professionals, thereby enacting a ‘*structural practice of humiliation*’.²¹¹ This outdated terminology perpetuates the hierarchical power structures, resulting in a ‘*discourse*’ of command and control instead of service and justice.²¹² Such language ‘*interpellates*’ an individual to adopt a subject-position defined by colonial military rank²¹³ and imposes a hierarchical worldview that is ‘*misrecognised*’ as natural or normal.²¹⁴ Modern Court Staff perform essential administrative functions like document management, court operations, facility maintenance, and yet are trapped in colonial administrative terms. Thus, the prevalence of this term is not just a label but an instruction of a power dynamic which results in a ‘*performative act*’.²¹⁵ The daily ‘*stylized repetition*’ of using this military rank in the democratic space

²⁰⁷ David Omissi, *The Sepoy and the Raj: The Indian Army, 1860-1940* xiii (Macmillan Press, London, 1994).

²⁰⁸ Qatar Digital Library, “Glossary”, available at: https://qdl.qa/en/glossary#letter_h (last visited on October 16, 2025).

²⁰⁹ Government of Maharashtra, *Maharashtra State Gazetteers: Satara District* (Revised ed., Bombay: Directorate of Government Printing, 1963) 65.

²¹⁰ Debasish Panigrahi, “History Lessons: The Story Behind Bombay’s Hawaldar” *Hindustan Times*, February 11, 2018, available at: <https://www.hindustantimes.com/mumbai-news/history-lessons-the-story-behind-bombay-s-hawaldar/story-8WwA088VBIpCKzUD8VUpI.html> (last visited on November 4, 2025).

²¹¹ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

²¹² Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972).

²¹³ Louis Althusser, “Ideology and Ideological State Apparatuses Notes Towards an Investigation”, in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971).

²¹⁴ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22-24, 169, 170 (Polity Press, Cambridge, 1991).

²¹⁵ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 33, 43 (Routledge, New York, 1999).

of the judiciary makes the word an action that perpetuates command and subservience.²¹⁶

7. Naik²¹⁷

7.1. Prevalence: The term “*Naik*” is found in the Bombay High Court Original Side Service Rules, 2002, and the High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011.

7.2. Origin: Historically, the “*Naik / Nayaka*” title became important during the Vijayanagara Empire from the 14th to the 17th centuries.²¹⁸ In the Nayankara / Amaranayankara system, “*Nayakas*” served as military leaders and administrators, and were assigned specific territories called “*amarams*” or “*nayakkattanam*”.²¹⁹ Their responsibilities were collecting taxes, maintaining troops, overseeing irrigation projects, managing temples, and handling local governance.²²⁰ However, the nature of this system remains contested amongst historians. Some characterise it as a segmentary state structure with considerable autonomy,²²¹ while some argue that “*Nayakas*” were transferable functionaries under royal control.²²² The term “*Naik*” has also been mentioned as a military officer in the Maratha armies, commanding ten soldiers, with higher ranks including “*Havildar*” (fifty men), and “*Jumladar*” (hundred men).²²³

Additionally, the British Indian Army Rank was deemed to be a rank equivalent to a corporal in the British Army.²²⁴ In the present day, however, “*Naik*” designates a ministerial staff functioning in the court’s process-serving and administration.

²¹⁶ *Ibid.*

²¹⁷ Bombay High Court Original Side Service Rules, 2002, r. 3(a), Group D, Serial 6; The High Court of Gujarat (Recruitment and Conditions of Service of Officers and Staff) Rules, 2011, Sch. 26.

²¹⁸ Noboru Karashima, *Towards a New Formation: South Indian Society under Vijayanagara Rule* Preface (Oxford University Press, Delhi, 1992).

²¹⁹ *Id.* at 2.

²²⁰ See generally, Noboru Karashima, *Towards a New Formation: South Indian Society under Vijayanagara Rule* (Oxford University Press, Delhi, 1992).

²²¹ Burton Stein, *Vijayanagara* 55 (Cambridge University Press, Cambridge, 1989).

²²² *Id.* at 39.

²²³ Government of Maharashtra, *Maharashtra State Gazetteers: Satara District* 65 (Revised ed., Bombay: Directorate of Government Printing, 1963).

²²⁴ David Omissi, *Making Colonial Soldiers in British India* 28 (Cambridge University Press, Cambridge, 1994).

7.3. Dignity Harm: The term “*Naik*” originates from the colonial police and military past, making their usage in a civilian-judicial setting highly inappropriate. It also perpetuates a predetermined hierarchy that undermines the spirit of ‘*fraternity*’ within the institution.²²⁵ Such titles, which were adopted by colonial administration to perpetuate hierarchies, their prevalence in modern times enforces a ‘*discourse*’ of orders and obedience. Although the meaning of the term has modified over the years, its continued usage without any critical examination is a distinct instance of ‘*cultural hegemony*’.²²⁶ Hence, even in the absence of an intent to discriminate, such terminology continues to ‘*naturalise*’ inequality and ‘*reproduce*’ subordination.

8. Peon²²⁷

8.1. Prevalence: The term “*Peon*” is prevalent in the High Courts of Punjab and Haryana, Manipur, Tripura, Sikkim, Rajasthan, Odisha, Karnataka, Jammu and Kashmir, Chhattisgarh, Jharkhand, Kerala, Himachal Pradesh, Gauhati, Patna, Uttarakhand, Allahabad, and Bombay. The mere reading of the word may seem to suggest a simple descriptor of someone responsible for running errands, document movement, or clerical assistance. However, in its linguistic history, the word carries a history of hierarchy and servitude.

²²⁵ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216-1218 (Dr. Ambedkar Foundation, New Delhi, 2020).

²²⁶ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12, 57 (Lawrence and Wishart, London, 1971).

²²⁷ The High Court Establishment (Appointment and Conditions of Service) Rules, 1973, r. 22-C; The High Court of Tripura Services (Appointment, Conditions of Service and Conduct) Rules, 2014, r. 7; The High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998, r. 11A (Peon), Notification No. 24/ESTT./HCS dated 19.08.2019, Sikkim Gaz. Extra. No. 561, dated 27th November, 2019; The Rajasthan High Court Staff Service Rules, 2002, r. 33; The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, r. 9(1) and r. 25; The Jammu and Kashmir High Court Staff (Conditions of Service) Rules, 1968, Sch., Cl. IV (1968); The High Court of Karnataka Service (Conditions of Service and Recruitment) Rules, 1973, Sch. III, Note 2 (Peon (House Keeping)); Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules, 2017, Sch. IV, Entry 59; The Jharkhand High Court Officers and the Members of the Staff (Recruitment, Conditions of Service, Conduct and Appeal) Rules, 2003, r. 18 (2), Sch. D, Jharkhand Gaz. Extra. No. 390, dated 24th December, 2002; The Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct & Appeal) Rules, 2015, Schedule II, S. No. 45-46 p. 29; The Kerala High Court Service Rules, 2007, r. 4, Div. IV, Cat. 7 (Peon) (2007); The Patna High Court Officers and Staff (Recruitment, Appointment, Promotion and other Condition of Service and Conduct) Rules, 2021, r. 6(I), Sl. No. 15, The Bihar Gazette (Extra), No. Patna 35, January 12, 2021, p. 20; The High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4(a) (Peon), Notification No. 2/Vc-119, Official Gazette, Aug. 23, 1976; and The Bombay High Court Original Side Service Rules, 2002, r. 39; The Calcutta High Court Service Rules, 1960, Annexure III.

8.2. Origin: With a Latin root and a Spanish Origin, “*Peon*” stood for a form of ‘*involuntary servitude*’ where the planters and mine owners forced people to work for them.²²⁸ The word “*Peon*” literally means ‘*foot soldier, labourer, or unskilled day labourer*’.²²⁹ Introduced by the British as part of the administrative term of servility within the judicial institutions, it has now become synonymous with menial, servitude jobs in the administrative hierarchy of India.

8.3. Dignitary Harm: “*Peon*” constitutes implications of servitude and lower status in offices, instead of a mere neutral descriptor of an occupation, which perpetuates ‘*graded inequality*’.²³⁰ *Discursively*, it connotes status instead of a job role, and inherently carries subordination marking *who serves* and *who is served*. This ‘*interpellates*’ individuals into the role of perpetual subservience²³¹ and traps individuals into an inescapable low-status identity, which leads to ‘*internalisation of inferiority*’.²³² Instead of emphasising the professional contribution of the individual, the term limits the employee to a structure of servility and obedience, resulting in ‘*humiliation*’²³³ and ‘*misrecognition*’.²³⁴ *Socially*, this label highlights ‘*symbolic violence*’, where the employees are marked as subordinates and are pinned ethnographically to a menial status.²³⁵ It further diminishes the dignity guaranteed under Article 21 as it reduces the institutional identity of a worker to a colonial servitude marker rather than a function.

²²⁸ Editors of Encyclopaedia Britannica (ed.), “Peonage”, *Britannica Encyclopaedia*, available at: <https://www.britannica.com/topic/peonage> (last visited on October 13, 2025).

²²⁹ Orphelia Marquez and Lillian Ramos Navarro (eds.), *Compilation of Colonial Spanish Terms and Document Related Phrases* (Society of Hispanic Historical and Ancestral Research, California, 1998).

²³⁰ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216-1218 (Dr. Ambedkar Foundation, New Delhi, 2020) available at: <https://www.somosprimos.com/spanishterms/spanishterms.htm> (last visited on October 13, 2025).

²³¹ Louis Althusser, “Ideology and Ideological State Apparatuses Notes Towards an Investigation”, in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971).

²³² Frantz Fanon, “The Fact of Blackness”, in Charles Lam Markmann (trans.), *Black Skin, White Masks* 82-108 (Pluto Press, London, 2008).

²³³ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

²³⁴ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22-24, 169, 170 (Polity Press, Cambridge, 1991). Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

²³⁵ *Ibid.*

9. Room Boy²³⁶

- 9.1. Prevalence:** The term “*Room Boy*” is a colonial administrative term that is found in the Madras High Court Service Rules. Historically, the term was used to refer to male domestic servants in colonial households.
- 9.2. Origin:** Originally, this term was used in India for head-servants who were always termed “*Boy*”. The earliest published references to the designation suggest that this term may have been derived from the Indian word “*Bhaee*” or “*Brother*”.²³⁷ However, newspapers, handbooks, and memoirs, which increasingly transmitted Orientalist accounts of male domestic workers for European readership, suggest a common usage of this term in other cultures.²³⁸ Colonial households depended on the exploitative labour of *servants* through complex systems of servitude. These workers, often male, were identified as property with terms like “Black Boys” in advertisements.²³⁹ This language publicly branded them and helped in the recapture of individuals who were often transported or held as slaves.²⁴⁰
- 9.3. Dignitary Harm:** Linguistically, this term is used as a tool of ‘*dominance*’²⁴¹ that infantilises individuals to assert authority.²⁴² The institution fails to ‘*recognise*’ the employee on the most basic level, as a professional and an adult.²⁴³ This denial of recognition directly violates the dignity and respect accorded to an individual under Article 21.²⁴⁴ It is a ‘*wounding symbolic designation*’, where a ‘*stylized repetition*’ by an authoritative figure of referring

²³⁶ Madras High Court Service Rules, 2015, r. [Amdt. II], vide G.O. Ms. No. 1099, Home (Courts-IV) Dept., Tamil Nadu Government Gazette, Pt. III---Sec. 2 (Extraordinary), November 30, 2015.

²³⁷ Anne Katharine Elwood, *Narrative of a Journey Overland from England, by the Continent of Europe, Egypt, and the Red Sea, to India* Vol. II, letter XLV, 2-3 (Henry Colburn and Richard Bentley, London, 1830).

²³⁸ Julia Martinez, Claire Lowrie, et al., *Colonialism and Male Domestic Service Across the Asia Pacific 1* (Bloomsbury Publishing, London, United Kingdom, 2019).

²³⁹ Peter Fryer, *Staying Power: The History of Black People in Britain 22–31* (Pluto Press, London, 1984).

²⁴⁰ *Ibid.*

²⁴¹ Catharine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law* 34 (Harvard University Press, Cambridge, 1987).

²⁴² Raffaella Sarti, “Fighting for Masculinity: Male Domestic Workers, Gender, and Migration in Italy from the Late Nineteenth Century to the Present” 13(1) *Men and Masculinities* 16-43 (2010).

²⁴³ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991).

²⁴⁴ Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

to adults as “*Room Boy*” creates and reinforces hierarchy and discrimination.²⁴⁵ Notably, this infantilisation of male servants was part of the colonial project.²⁴⁶ The term also has distinct roots in enslavement and forced labour, derived from structures enforcing subordination, infantilisation, and expecting servitude. For instance, the European Colonisers often used violence to create a mostly enslaved servant class.²⁴⁷ Further, the continued usage of “*Room Boy*” in post-colonial India perpetuates colonial-era ‘*dehumanisation*’ and reinforces both Bourdieuan and Taylorian ‘*misrecognition*’.²⁴⁸

10. Watch and Ward²⁴⁹

10.1. Prevalence: The term “*Watch and Ward*” is present in the Madras High Court Service Rules, 2015. Rooted in medieval English, this term was used to designate security personnel.

10.2. Origin: “*Watch and Ward*” originated in thirteenth-century England, and was used to designate guards appointed to preserve local peace. They were appointed to guard the closed town gates for night-time duties (“*watch*”) and daytime duties (“*ward*”).²⁵⁰ This system was codified through the Statute of Winchester 1285 and was carried forward throughout the English colonies,

²⁴⁵ The term ‘*wounding symbolic designation*’ is drawn from Frantz Fanon, who argued that colonial language inflicts a *psychic wound* by fixing individuals in a *subordinate social and moral order*. Frantz Fanon, “The Negro and Psychopathology”, in Charles Lam Markmann (trans.), *Black Skin, White Masks* 109-162 (Pluto Press, London, 2008). Judith Butler’s theory of performativity explains the mechanism through which this wound is inflicted, identity is constituted by the “*stylized repetition of acts*” within a regulatory frame. Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 179 (Routledge, New York, 1999). Thus, the authoritative and repeated act of naming an employee a “*Room Boy*” is the performative act that inflicts the *Fanonian wound*, constituting the employee’s institutional reality as an *infantilised subject*. Butler argues that *identity* is not an internal essence but is “*performatively constituted by the very ‘expressions’ that are said to be its results.*” *Id.* at 45.

²⁴⁶ This analysis also applies to the term “*Kitchen Boy*” mentioned under the Andhra Pradesh Last Grade Service Rules 1992. Raffaella Sarti, “Fighting for Masculinity: Male Domestic Workers, Gender, and Migration in Italy from the Late Nineteenth Century to the Present” 13(1) *Men and Masculinities* 22 (2010).

²⁴⁷ Jennifer Guglielmo, Michelle Joffroy and Diana Sierra Becerra, “Domestic Worker History Timeline”, *Labor History Resource Project*, Georgetown University, available at: <https://lhrp.georgetown.edu/domestic-workers/domestic-worker-history-timeline/> (last visited on October 16, 2025).

²⁴⁸ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991). Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

²⁴⁹ The Madras High Court Service Rules, 2015, Amendment IV.

²⁵⁰ Edmund Wright (ed.), *A Dictionary of World History* 683 (Oxford University Press, United Kingdom, 2nd edn., 2006).

including India.²⁵¹ It was institutionalised by the British by drawing upon local hierarchies and developing the indigenous policing system. They labelled certain groups of indigenous people as “*criminal tribes*” and imposed upon them occupations rooted in servitude.²⁵² Security designations like “*Watchman*,” “*Chowkidar*,” and “*Darwan*” operated within overlapping systems of surveillance, subordination, and exploitation. It did not merely carry forward an administrative vocabulary but also the security systems premised on extractive, non-professional arrangements of pitting neighbours against neighbours.²⁵³

10.3. Dignitary Harm: Institutions, by the continued usage of the term, perpetuate racial hierarchies even after the formal discrimination has ended. The word “*watch*” did not just symbolise protection but rather surveillance and control of colonised populations. The term reproduced a hierarchy where certain communities were forced into servitude and treated as being inherently crime-ridden, thus ‘*thingifying*’ them.²⁵⁴ *Discursively*,²⁵⁵ this nomenclature frames individuals not as security professionals but as passive guards, which further reinforces the ‘*hegemony*’²⁵⁶ of colonial culture. By keeping terminology that was originally based on exploitation through inciting suspicion, the judiciary continues to ‘*normalise*’ the subordinate status, while also violating the dignity of the employees under Article 21. It constitutes a form of ‘*misrecognition*’, which incites the feelings of humiliation and self-doubt in the employees.²⁵⁷ It also fails to recognise the skill and responsibility involved in security roles in modern times.²⁵⁸

²⁵¹ Kyle L. Parks, “Watch and Ward System”, in *Encyclopaedia of Criminology and Criminal Justice* (Wiley Online Library, 2014), available at: <https://onlinelibrary.wiley.com/doi/abs/10.1002/9781118517383.wbecclj435> (last visited on October 15, 2025).

²⁵² Anastasia Piliavsky, “The Moghia Menace, or the Watch Over Watchmen In British India” 47 *Mod. Asian Stud.* 751 (2013).

²⁵³ Partha Pratim Shil, “Orality, State Power, and the Labour of Policing in Colonial Bengal, c.1850–1947” *Past & Present* (In Press, 2025), available at: <https://doi.org/10.1093/pastj/gtaf005> (last visited on September 8, 2025).

²⁵⁴ Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

²⁵⁵ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972).

²⁵⁶ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12,57 (Lawrence and Wishart, London, 1971).

²⁵⁷ Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

²⁵⁸ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22-24, 169, 170 (Polity Press, Cambridge, 1991).

MENIAL OR RELATING TO SERVITUDE

The terms such as “*Basta Bardar*”, “*Farash*”, “*Hamal*”, “*Masalchi*”, “*Mulia*”, and “*Sewak*” are lexicons embedded in institutional subordination that categorically encode meniality and servitude. These words form an exclusive *linguistic category* that is constrained by a common ‘*discursive*’ *logic of inferiority*. Though these administrative posts support the efficient functioning of the court, the language used to describe them derives its origin from a colonial past and feudal servitude.

The persistence of such terms highlights how institutions internalise power by carrying a hierarchical symbolic order where labour is classified by perceived worth, not by function. The employee is then linguistically framed not as a professional contributing to the administration of justice but as an aide performing for the comfort, convenience, or cleanliness of the establishment.

The continued use of this administrative nomenclature enhances the performing language of servitude, where it enacts the very hierarchy it names. Terms such as “*Sewak*” or “*Hamal*” reflect enduring colonial legacies embedded in bureaucratic discourse. These labels are not neutral, and they perpetuate symbolic hierarchies that undermine equitable governance. This inherent linguistic apathy also violates the right to dignity and equality enshrined under Articles 14 and 21 of the Constitution of India.

Language shapes institutional ethos. It influences social perceptions and plays a foundational role in constructing the moral framework of governance. Thus, it is imperative to study, analyse, and amend redundant, hierarchical, caste-based nomenclature to bring it in consonance with the egalitarian constitutional values.

1. **Basta Bardar / Bundle Lifter**²⁵⁹

- 1.1. **Prevalence:** The term “*Basta Bardar*”, also titled “*Bundle Lifter*”, has been used in the Service Rules of the High Courts of Allahabad, Rajasthan, and Uttarakhand. It describes the work of transporting legal documents and their handling in and around courts.

²⁵⁹ The Rajasthan High Court Staff Service Rules, 2002, r. 35; The Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r 4(d).

- 1.2. Origin:** Literally, the term “*Basta*” means “*Bundle*” and “*Bardar*” stands for “*Lifter*”. Its etymology has roots in Hindi, Urdu, and Persian languages.²⁶⁰ The term found usage in the British colonial administration to describe the work of document handling. The term focused on physical labour and, by extension, juxtaposed its difference from intellectual work.
- 1.3. Dignitary Harm:** The identity of an individual is completely erased and replaced by their institutional utility, thereby leading to ‘*thingification*’.²⁶¹ The individual is reduced to an object required to lift bundles, which is the extreme form of ‘*symbolic violence*’.²⁶² While causing ‘*humiliation*’,²⁶³ the term “*Basta Bardar*” also causes ‘*misrecognition*’ by denying a person’s humanity beyond their physical labour.²⁶⁴ Additionally, Fairclough’s analysis of the term underscores the harm of naturalised usage of it in the ‘*discursive*’ structures that embed and reproduce social inequalities.²⁶⁵ It allows these workers no professional identity when boxed into the physical function of the work. These harms are also anti-thetical to the safeguards of the Indian Constitution in its right to equality, dignity, and life.

2. Farash²⁶⁶

- 2.1. Prevalence:** The term “*Farash*”²⁶⁷ is prevalent in the Service Rules of High Courts of Allahabad, Andhra Pradesh, Calcutta, Gauhati, Himachal Pradesh,

²⁶⁰A Dictionary of Hindustani and English, available at: https://ia802306.us.archive.org/2/items/in.ernet.dli.2015.liflftjuxtaposedjuxtaposed83678/2015.83678.A-Dictionary-Of-Hindustani-And-English_text.pdf (last visited on September 28, 2025).

²⁶¹ Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

²⁶² Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24 (Polity Press, Cambridge, 1991).

²⁶³ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

²⁶⁴ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991). The structural effect of this leads to humiliation, loss of dignity, and a profound injury to the identity of the employee resulting in Talorean ‘*misrecognition*’. Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

²⁶⁵ Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

²⁶⁶ *Farash*, *Farrash* *Frash* and *Faras* are used interchangeably across the Service Rules, both deriving from the same historical and occupational root.

²⁶⁷ The High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020, Sch. I (2020); The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, r. 9(1) (2019); The High Court Establishment (Appointment and Conditions

Jharkhand, Odisha, Punjab & Haryana, Manipur, Madhya Pradesh, and Uttarakhand. The advertisement for the job lists their responsibilities as the custodian of all court keys, being responsible for opening, closing, and locking court halls, chambers, and offices before and after working hours, while ensuring all electronic equipment is switched off.²⁶⁸

2.2. Origin: The term “*Farash*” was prevalent during the Mughal period, as documented in *Abul Fazl’s Ain-i-Akbari*, the primary administrative text of Emperor Akbar’s reign, dating back to the 16th Century. The *Farrash khana* was an established imperial workshop or *karkhana* that was responsible for producing carpets, rugs, tents, and floor coverings, indicating that *farash* workers held an institutionalised position within the Mughal administrative system.²⁶⁹

2.3. Dignitary Harm: The term “*Farash*” labels an individual as a menial servant, implying degradation and ‘*humiliation*’.²⁷⁰ While reducing the employee to their function with connotations of servitude, this nomenclature had also found its way in colonial administrative job titles. The term suggests the employee’s work is menial instead of skilled or professional, reinforcing unequal distinctions based on the type of work, perpetuating ‘*discursive continuity*’ between servitude and service.²⁷¹ This label ‘*symbolises violence*’, marking employees as subordinates and placing them in menial status categories.²⁷² The

of Service) Rules, 1973, r. 22-C, r. 13, Sch. D; The Jharkhand High Court Officers and the Members of the Staff (Recruitment, Conditions of Service, Conduct and Appeal) Rules, 2003, Jharkhand Gaz. Extra. No. 390, dated 24th December, 2002; The High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4(b) (Jamadar), Notification No. 2/Vc-119, Official Gazette, Aug. 23, 1976; Gauhati High Court Service Rules, 1967, Sch I, p. 513; The High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4(a) (Farash), Notification No. 2/Vc-119, Official Gazette, Aug. 23, 1976; The Andhra Pradesh Last Grade Service Rules, 1992, G.O.Ms.No. 565, General Administration (Services-B) Department, dated 24.10.1992; The Calcutta High Court Service Rules, 1960, Class IV; High Court of Madhya Pradesh Services (Recruitment, General Conditions of Services, Conduct, Classification, Control and Appeal) Rules, 2017, Sch I; The Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct & Appeal) Rules, 2015, Sch. II, Item 44;

²⁶⁸ The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019.

²⁶⁹ Pooja Chaudhary, “A Study of Mughal Imperial Costumes and Designs During 16th and 17th Century” 75 (Unpublished Ph.D. thesis, Aligarh Muslim University).

²⁷⁰ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

²⁷¹ Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

²⁷² Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24 (Polity Press, Cambridge, 1991).

Supreme Court’s amendment of this term in 2023 recognised that the term did not respect the dignity of labour or align with constitutional values.

3. Hamal²⁷³

3.1. Prevalence: The term “*Hamal*”,²⁷⁴ is used in the Bombay High Court Original Side Service Rules, 2002.

3.2. Origin: “*Hamal*” is a term predominantly used for a porter, bearer or servant, used in Middle Eastern countries.²⁷⁵ The word “*ḥammāl*” in Arabic means *to carry away*.²⁷⁶ “*Hamal*” and “*Mathadi*” workers were manual labourers who carried loads on their heads or backs in cities like Mumbai and Pune.²⁷⁷ These workers were mainly farmers and agricultural labourers recruited from drought-prone agricultural regions of Maharashtra, mostly from the Kunbi-Maratha caste in western Maharashtra, who migrated to cities in groups called “*tollis*”, under the leadership of a group leader.²⁷⁸ The colonial administration’s development of port and railway infrastructure created demand for cheap, unskilled manual labour, which was filled by rural migrants fleeing agrarian distress and famine, a pattern seen across British colonial labour systems.²⁷⁹ The occupation was legally recognised through the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969, which established thirty-four boards covering approximately two lakh workers, though the actual number was much higher as many workers remained outside union or board coverage.²⁸⁰ This unionisation was done to address

²⁷³ The Bombay High Court Original Side Service Rules, 2002, r. 40.

²⁷⁴ “Hamal”, *Merriam-Webster Dictionary*, available at <https://www.merriam-webster.com/dictionary/hamal> (last visited on October 15, 2025).

²⁷⁵ Poornima Chikarmane & Lakshmi Narayanan, *I Will Not Auction My Back! Lessons from Maharashtra’s Welfare Boards in Financing Social Protection for Informal Workers*, WIEGO Resource Document No. 37, 8-9 (2023).

²⁷⁶ Enam Al-Wer & Rudolf de Jong (eds.), *Arabic Dialectology: In Honour of Clive Holes on the Occasion of His Sixtieth Birthday*, Vol. 53, Studies in Semitic Languages and Linguistics (Brill, 2009).

²⁷⁷ The Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

²⁷⁸ Poornima Chikarmane & Lakshmi Narayanan, *I Will Not Auction My Back! Lessons from Maharashtra’s Welfare Boards in Financing Social Protection for Informal Workers*, WIEGO Resource Document No. 37, 8-9 (2023).

²⁷⁹ Hugh Tinker, *A New System of Slavery: The Export of Indian Labour Overseas, 1830-1920* 54, 254 (Oxford University Press, London, 1974).

²⁸⁰ The Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969, available at: https://www.indiacode.nic.in/bitstream/123456789/15841/1/hamal_and_other_manual.pdf (last visited on October 15, 2025).

exploitation and highlight the unsafe working conditions. The history of this term is intertwined with labour extractions under colonial rule, post-colonial economic vulnerability, and the continuity of caste-based occupational segregation that forced certain communities to perform stigmatised work.²⁸¹

3.3. Dignitary Harm: The persistence of caste-based occupational terminology such as “*Hamal*” in contemporary judicial and administrative rules inflicts dignitary harm that operates through intersecting mechanisms of ‘*symbolic violence*’²⁸² and *structural subordination*. Drawing from Critical Race Theory’s analysis of how institutional practices systematically destroy personhood by denying individuals their humanity and their power to define self.²⁸³ The judicial use of occupational-caste nomenclature constitutes what Ambedkar identified as ‘*graded inequality*’.²⁸⁴ When courts and administrative records employ terms that explicitly link individuals to hereditary, stigmatised occupations, they suppress alternative identities and deny individuals control over how they are represented.

4. Masalchi²⁸⁵

4.1. Prevalence: The term “*Masalchi*” has been used in the High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020, and in the High Courts of Andhra Pradesh.²⁸⁶

4.2. Origin: Originally, a “*Masalchi*” (also spelt “*massaulchee*”, “*mussaulchee*”) was a linkboy and a torchbearer who ran alongside palanquins on night journeys

²⁸¹ Anil Awchat, “Hamals of Poona-II: Peeled Skins and Broken Ribs,” 11(25) *Economic & Political Weekly*. 896-898 (1976).

²⁸² Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24 (Polity Press, Cambridge, 1991).

²⁸³ Patricia J Williams, “Spirit-Murdering the Messenger: The Discourse of Fingerpointing as the Law’s Response to Racism” (1987) 42 *University of Miami Law Review* 127.

²⁸⁴ BR Ambedkar, “Annihilation of Caste” in Vasant Moon (ed), *Babasaheb Ambedkar: Writings and Speeches* Vol 1, 23 (1979).

²⁸⁵ The Andhra Pradesh Last Grade Service Rules, 1992, available at: <https://cdnbbsr.s3waas.gov.in/s3ec01a0ba2648acd23dc7a5829968ce53/uploads/2023/03/2023031817.pdf> (last visited on October 15, 2025); High Court of Manipur Officers and Employees Recruitment and Condition of Service (Classification, Control, Appeal and Conduct) Rules, 2020, r. 5.

²⁸⁶ The Andhra Pradesh Judicial Ministerial and Subordinate Service Rules, 2019, vide G.O. Ms. No. 76, Law (L, LA & J–Home–Courts–A), dated May 15, 2019.

in colonial India,²⁸⁷ but the term later came to denote a domestic servant responsible for maintaining lamps and washing dishes. By the late Nineteenth century, the *Mussaulchee's* role had evolved from torch-bearing to encompassing menial household tasks, including dishwashing and table service. There is documentation of menial tasks such as cleaning, feeding bottles, and waiting tables at Bombay Residences.²⁸⁸ The word finds a mention in memoirs stating that the "*Massaulchee*" served as a torch-bearer who carried a cloth-wrapped flambeau in his left hand while holding a brass vessel of oil in his right hand to continuously feed the flame, providing essential illumination during night journeys and at Hindu festivals such as weddings.²⁸⁹ Currently, the word "*Masalchi*" denotes staff deployed in courts and other government offices, who are assigned both domestic as well as maintenance duties. Persons appointed as "*Night Watchman-cum-Masalchi*" must guard the Court premises and Judicial Officer's quarters during nighttime, besides attending to domestic duties in the residences during morning hours. The job description includes office work or attending to domestic duties such as cooking, cleaning utensils, washing clothes, mopping the floor, cleaning bathrooms and lavatories, and spraying disinfectants in necessary places, as may be needed and depending upon the requirement and exigency of work. Other posts, such as "*Watchman-cum-masalchi*" and "*Masalchi*", also have a similar nature of duties.²⁹⁰

4.3. Dignitary Harm: *Genealogically*, the term has evolved from "*Massaulchee*", lighting the way for a palanquin to *Masalchi*, to domestic help for judicial officers. However, the persistence of a term with a feudal and colonial past causes '*humiliation*' to the individuals whose identity is entirely based upon

²⁸⁷ George Annesley (Viscount Valentia), *Voyages and Travels to India, Ceylon, the Red Sea, Abyssinia, and Egypt, in the Years 1802, 1803, 1804, 1805, and 1806*, vol. 1, 240 (*William Miller, London, 1809*), available at <https://archive.org/details/in.ernet.dli.2015.55697/page/239/mode/2up> (last visited on November 2, 2025).

²⁸⁸ Flora Annie Steel and Grace Gardiner, *The Complete Indian Housekeeper and Cook: Giving the Duties of Mistress and Servants* 54–55, 167 (*William Heinemann, London, 1888*), available at: <https://www.loc.gov/item/84216245/> (last visited on November 2, 2025).

²⁸⁹ James Forbes, *Oriental Memoirs: Selected and Abridged from a Series of Familiar Letters Written During Seventeen Years Residence in India*, vol. 2, 417 (*White, Cochrane & Co., London, 1813*), available at: https://openlibrary.org/books/OL6955461M/Oriental_memoirs (last visited on November 4, 2025).

²⁹⁰ Madras High Court, "Recruitment Notification for Cleanliness Worker, Watchman/Nightwatchman, Nightwatchman-cum-Masalchi, Watchman-cum-Masalchi and Masalchi, Salem District, Notification No. 157/2024," available at: <https://www.mhc.tn.gov.in/recruitment/docs/SALEM/ENGLISH/SALEM-CLEANLINESS%20WORKER-NOT.NO.157-2024-ENGLISH.pdf> (last visited on October 21, 2025).

servitude.²⁹¹ This *humiliation* is ‘*naturalised*’ by legitimising a deeply feudal relationship of a master and servant.²⁹² The continuity is indicative of the continued colonial hierarchies and has been termed as structural racialisation, where institutions ‘*reproduce*’ hierarchies unconsciously through inherited nomenclature, categories, and practices. The language used here is not neutral and encodes power and shows ‘*discursive*’ subordination, creating a symbolic distance.²⁹³ The continuation of the tradition of this job title does not acknowledge the inherent domination it carries. It normalises *deference* and highlights the weight of *inherited roles* over individual worth.

5. **Mulia**²⁹⁴

- 5.1. Prevalence:** “*Mulia*”, a prevalent rural agrarian term in Odisha, is found in the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019.²⁹⁵ The rules specify that “*Mulia*” may be engaged on a daily-wage basis for sweeping and similar manual tasks.²⁹⁶
- 5.2. Origin:** “*Mulia*” refers to a specific category of agricultural labourer in Odisha’s traditional labour system. Three types of bonded/forced labour, namely “*Barmasia*”, “*Mulia*”, and “*Kothia*”, were specifically found during the evaluation of the implementation of the Bonded Labour System (Abolition) Act and the Child Labour (Prohibition & Regulation) Act in Odisha.²⁹⁷ A “*Mulia*” is a daily labourer who works on a farm and is paid daily in kind, in contrast to “*Halia*”, who are farm-servants engaged permanently or on a long-

²⁹¹ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

²⁹² Louis Althusser, “Ideology and Ideological State Apparatuses Notes Towards an Investigation”, in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971). Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 37 (Polity Press, Cambridge, 1991).

²⁹³ Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

²⁹⁴ The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, r. 9(4), (5) and r. 10(3), (4).

²⁹⁵ Gopabandhu Academy of Administration (Gazetteers Unit), *District Gazetteers*, General Administration Department, Government of Odisha, available at: <https://nayagarh.odisha.gov.in/sites/default/files/2023-07/District%20Gazetteer.pdf> (last visited on October 15, 2025).

²⁹⁶ The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, r.9(4).

²⁹⁷ Lakshmidhar Mishra, Report of Review on Measures Taken by the State Government of Odisha for Implementation of Bonded Labour System (Abolition) Act and Child Labour (Prohibition & Regulation) Act in KBK Region (National Human Rights Commission, New Delhi, 2006) [as cited in Dharmendra Kumar Mishra, Gharkhia System in Western Odisha, 5(1) J. Land & Rural Stud. 50, 53 (2017)].

term basis to well-to-do cultivators.²⁹⁸ “*Mulia*”, therefore, stands for one of the bottom rungs in the historic caste agriculture labour hierarchy. They were part of exploitative labour arrangements where they were deemed as casual day labourers, an occupation-based caste, and were remunerated only in grain.

5.3. Dignity Harm: Naming labourers as “*Mulia*” strips them of their professional identity and reduces them to their capacity for physical labour, resulting in ‘*thingification*’.²⁹⁹ The term fails to acknowledge any specific skill set required for this job, leading to ‘*misrecognition*’.³⁰⁰ It is deeply dehumanising and violates their right to dignity under Article 21.³⁰¹ This classification, which keeps “*Mulias*” under the most unspecific labour category, further results in ‘*graded inequality*’³⁰² while also ‘*naturalising*’ the prevalent inequality between existing hierarchies.³⁰³

6. Sewak³⁰⁴

6.1. Prevalence: The Nomenclature “*Sewak*”³⁰⁵ is prevalent in the Service Rules of Sikkim, Allahabad, and Uttarakhand. The listed roles and responsibilities of “*Sewak*” include domestic work and attending to the assigned residence’s household chores.³⁰⁶

6.2. Origin: “*Sewak*” originates from the Sanskrit word “*Seva*” which literally means “*to serve*” or “*servant*”.³⁰⁷ The term “*Seva*” has a nuanced history where

²⁹⁸ Dharmendra Kumar Mishra, *Gharkhia System in Western Odisha*, 5 J. LAND & RURAL STUD. (LBSNAA) 50, 53 (2017).

²⁹⁹ Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

³⁰⁰ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991).

³⁰¹ Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

³⁰² Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216-1218 (Dr. Ambedkar Foundation, New Delhi, 2020).

³⁰³ The carrying forward of a feudal term perpetuates symbolic dominance where subordination is disguised as institutional normalcy. Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 37 (Polity Press, Cambridge, 1991).

³⁰⁴ *Sewak*, *Sevika*, and *Sevak* are used interchangeably in the Service Rules, all derived from the same root term meaning “one who serves,” reflecting a linguistic continuity of servitude.

³⁰⁵ High Court Establishment (Appointment and Conditions of Service) Rules, 1973, r. 22-C; The Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4(a).

³⁰⁶ *Ibid.*

³⁰⁷ Hindi Dictionary, available at: <https://www.hindwidictionary.com/> (last visited on November 05, 2025).

it evolved from a traditional approach to a complex vital point of political discourse during the freedom struggle.³⁰⁸ Traditionally, ‘Seva’ was associated with “*menial, demeaning, or polluting act of service*”.³⁰⁹ However, during the 20th Century, due to the numerous social reform movements, the term began to imply a way for the upliftment of depressed classes through cultural, educational, or religious work.³¹⁰ This was further synthesised by Gandhi, who framed *sewa* as a *constructive work* built upon “community repair, ethical obligation, priority of duty, and *sanctification of an untouchable*, etc.”, and also enforced models such as “*Harijan Sewa*”.³¹¹ This was vehemently opposed by Ambedkar, who viewed “*Harijan Sewa*” as a ‘tool of upper-caste paternalism and hegemony’.³¹² Ambedkar argued that the relationship should be built upon *fraternity and mutual respect* instead of a *high-status sewak* and a *low-status beneficiary*.³¹³

6.3. Dignitary Harm: The administrative nomenclature, including “*Sewak*” as a post, which literally means *to serve* or *a servant*, is glaringly violative of Article 21. It classifies employees as those *who are served* and those *who serve*. This classification reinforces ‘*graded inequality*’ and also violates the right to equality.³¹⁴ *Genealogically*, the term has a feudal, colonial, and religious past rooted in loyalty, servitude to a superior.³¹⁵ The persistence of this term perpetuates a ‘*discourse*’ of personal servitude instead of professional employment,³¹⁶ which ‘*interpellates*’,³¹⁷ and ‘*thingifies*’³¹⁸ an individual into the position of a *servant*. The ‘*stylized repetition*’³¹⁹ of calling an employee

³⁰⁸ R. Srivatsan, “Concept of ‘Seva’ and the ‘Sevak’ in the Freedom Movement” 41 *Economic and Political Weekly* 427 - 438 (2006), available at: <https://www.epw.in/journal/2006/05/special-articles/concept-seva-and-sevak-freedom-movement.html> (last visited on October 15, 2025).

³⁰⁹ *Id.* at 427.

³¹⁰ *Ibid.*

³¹¹ *Id.* at 430.

³¹² *Id.* at 433.

³¹³ *Ibid.*

³¹⁴ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216 (Dr. Ambedkar Foundation, New Delhi, 2020).

³¹⁵ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972). Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* 100-101 (Pantheon Books, New York, 1978).

³¹⁶ Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

³¹⁷ Louis Althusser, “Ideology and Ideological State Apparatuses Notes Towards an Investigation”, in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971).

³¹⁸ Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

³¹⁹ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 179 (Routledge, New York, 1999).

Sewak is a ‘performative act’³²⁰ that enacts and reproduces the master-servant hierarchy and is also an act of ‘symbolic violence’.³²¹

TERMS REINFORCING CASTE-BASED OCCUPATIONS

The administrative terms, such as “*Dhobi*”, “*Halalkhor*”, “*Malan*”, and “*Scavenger*”, are nomenclature embedded with caste as hereditary occupation. Apart from signalling subordination, the language also perpetuates the hereditary division of labour based on the caste system. These terms are not merely neutral descriptors of work. Instead, they are caste-indexed occupations historically rooted in imposing a specific type of labour onto specific communities. The persistence of such administrative nomenclature highlights the continuing presence of caste-coded language within the institutional structures.

Absorbed as a part of bureaucratic nomenclature, these designations transformed rigid caste identities often inherited and maintained by the social norms into *administrative posts*. This bureaucratisation has led to inequality as a part of the routine, violating Articles 14, 15, 17, and 21 of the Constitution.³²² As long as these words form part of the institutional language, it will continue to contradict the realisation of social transformation envisioned by ‘*emancipatory constitutionalism*’.³²³ The right to equality will continue to remain a distant dream if the administrative language continues to mirror the vocabulary of untouchability. Thus, this section identifies caste-coded nomenclature and analyses its origin, prevalence, and the dignity harm that it inflicts upon the support staff, highlighting that no institutional reform can be achieved without emphasising linguistic reform.

³²⁰ *Ibid.*

³²¹ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24 (Polity Press, Cambridge, 1991).

³²² A separate theoretical exposition for “*Safai Karamchari*” and “*Sweeper*” has been omitted. The dignity harm associated with these terms, specifically their connection to sanitation work, historical caste stigma, and untouchability, is extensively covered in the analysis of functionally and symbolically equivalent terms such as “*Scavenger*” and “*Halalkhor*”.

³²³ Sukhadeo Thorat, “Ambedkar’s Emancipatory Constitutionalism” 5 *Caste: A Global Journal on Social Exclusion* 27 (2024).

Identified Terms

1. Dhobi³²⁴

- 1.1. **Prevalence:** The term “*Dhobi*” is prevalent in the Service Rules of the High Court of the State of Telangana, 2019, and the High Court of Karnataka Service (Conditions of Service and Recruitment) Rules, 1973.
- 1.2. **Origin:** The term “*Dhobi*”, also called “*Rajaka*” in Sanskrit,³²⁵ belongs to the lowest of the caste system.³²⁶ Historically, “*Dhobi*” was frequently used by the Anglo-Indians to signify “washerman”.³²⁷ Since the occupation involved washing clothes, the concept of ‘purity’ and ‘pollution’ was embedded in it.³²⁸ Initially, “*Dhobis*” lived in tiny, segregated endogamous structures, which kept them out of farming and other agricultural activities, and made them readily available as a ‘service group’.³²⁹ Socially and culturally, “*Rajaka*” could consume food provided by the dominant castes, including the service caste groups, but not vice-versa, perpetuating caste-based discrimination and untouchability.³³⁰
- 1.3. **Dignity Harm:** By creating a specific occupation name based on a caste, the institution is reinforcing ‘graded inequality’ while also violating the principles of Article 14, 15, 17, and 21.³³¹ It perpetuates historic stigma, enabling a pre-

³²⁴ Service Rules of the High Court for the State of Telangana, 2019, R. 3, Div. III, Cat. 5(ii)(b); The High Court of Karnataka Service (Conditions of Service and Recruitment) Rules, 1973, Schedule I, Item 63.

³²⁵ H. H. Risley, “Dhobá, Dhobí, Dhávaka” in *Notes on the Races, Castes and Trades of Eastern Bengal* (Routledge, 2016), available at: <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315276786-106> (last visited November 4, 2025).

³²⁶ Stitadhi Rath and Jagannath Dash, “Social Status and Role of Carpenters in Ganjam District with Specific Reference to Their Wooden Craft” 25 *Man in Society* 86 (2018), available at: <https://utkaluniversity.ac.in/wp-content/uploads/2022/07/man-in-Society-2018-1.pdf> (last visited on November 4, 2025).

³²⁷ C. Parvatheesam et al., “Genetic Structure of Rajaka Caste and Affinities with Other Caste Populations of Andhra Pradesh, India” 81 *Anthropologischer Anzeiger* 366 (2019), available at: <https://www.jstor.org/stable/25757509> (last visited on November 4, 2025).

³²⁸ *Ibid.*

³²⁹ Subhadra Mitra Channa, “Caste, ‘Jati’ and Ethnicity—Some Reflections Based on a Case Study of the Dhobis” 21 *Indian Anthropologist* 39 (1991), available at: <http://www.jstor.org/stable/41919653> (last visited November 4, 2025).

³³⁰ Stitadhi Rath and Jagannath Dash, “Social Status and Role of Carpenters in Ganjam District with Specific Reference to Their Wooden Craft” 25 *Man in Society* 86 (2018), available at: <https://utkaluniversity.ac.in/wp-content/uploads/2022/07/man-in-Society-2018-1.pdf> (last visited on November 4, 2025).

³³¹ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216 (Dr. Ambedkar Foundation, New Delhi, 2020).

constitutional ‘discourse’ by linking employment to birth.³³² This act of ‘social classification’, where the individual is constantly reminded of their caste origin, leads to ‘humiliation’ as a ‘relational structural practice’.³³³ Further, this term ‘interpellates’ the individual primarily as a member of the caste, and then, as an employee, reinforcing their caste in a supposedly secular space.³³⁴ Though ‘misrecognised’ as a harmless, traditional descriptor, this term ‘naturalises’ and legitimises unequal and discriminatory treatment, which leads to an extreme form of ‘symbolic violence’.³³⁵ Additionally, women belonging to the *Dhobi* community face ‘compounded subordination’, where the caste name reinforces three axes of oppression - class, caste, and gender.³³⁶ The unchecked acceptance of caste-based occupational terms has been normalised in the day-to-day language, creating a ‘hegemonic’ administrative culture.³³⁷

2. Halalkhor³³⁸

2.1. Prevalence: The term “*Halalkhor*” is prevalent in the High Court of Bombay. The term has been described as a caste label meaning the “one who earns an honest living”.³³⁹ Derived from its literal meaning, the term carries a history of being a label applied to Dalit Muslims³⁴⁰ engaged in manual scavenging and sanitation labour.³⁴¹

³³² Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972). Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* 100-101 (Pantheon Books, New York, 1978). Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

³³³ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

³³⁴ Louis Althusser, “Ideology and Ideological State Apparatuses Notes Towards an Investigation”, in Ben Brewster (trans.), *Lenin and Philosophy and Other Essays* 142-147, 166-176 (Monthly Review Press, 1971).

³³⁵ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991).

³³⁶ Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” 1 *University of Chicago Legal Forum* 139-167 (1989).

³³⁷ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12,57 (Lawrence and Wishart, London, 1971).

³³⁸ The Bombay High Court Original Side Service Rules, 2002, r. 43.

³³⁹ Joel Lee, “Who is the True Halalkhor? Genealogy and Ethics in Dalit Muslim Oral Traditions” 52(3) *Contributions to Indian Sociology* 360 (2018).

³⁴⁰ Shireen Azam, “A Muslim Sanitation Caste and the Constitution of India”, *South Asia@LSE Blog*, October 13, 2025, available at: <https://blogs.lse.ac.uk/southasia/2025/10/13/a-muslim-sanitation-caste-and-the-constitution-of-india/> (last visited on October 14, 2025).

³⁴¹ Human Rights Watch, “Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India” (2014), available at: <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> (last visited on October 14, 2025).

- 2.2. Origin:** The term “*Halalkhor*” is derived from the conjunction of two words, “*halāl*” (lawful) and “*khor*” (eater), literally meaning “one who eats what is lawful, one whose earnings are legitimate.”³⁴² This euphemistic title was introduced by Mughal Emperor Akbar.³⁴³ The other terms that were used synonymously were “*Bhangi*” and “*Sweeper*”.³⁴⁴ Grounded in historical ethnographic research, the term reveals the ‘*experience*’ of Dalit Muslims, which has been characterised as “intimate untouchability”, showcasing the conditions of their labour.³⁴⁵ The term comes from caste-based discrimination and has a history of stigma related to uncleanliness and a low social status.³⁴⁶
- 2.3. Dignitary Harm:** *Textually*, “*Halalkhor*” constitutes a caste identity that has become solidified through occupational labelling. *Genealogically*, the term uses language of purity to mask the reality of pollution, which segregates and dehumanises people based on their birth.³⁴⁷ This reflects ‘*symbolic violence*’ and creates an inescapable caste identity.³⁴⁸ ‘*Discursively*’, the term institutionalises caste-based stigma by suggesting that certain jobs are reserved for a specific marginalised community. This idea keeps the cycle of generational work based on caste alive, rather than allowing for personal choice. It enforces ‘*misrecognition*’ by defining their identity with stigmatised terms, which denies self-esteem and respect.³⁴⁹ It achieves ‘*thingification*’ by merging the person’s identity with their caste and the work they do, which objectifies their personhood.³⁵⁰ *Socially*, using this regressive term institutionalises historical

³⁴² National Commission for Backward Classes, “Advice under s. 9(1) of the NCBC Act, 1993: Inclusion of ‘Halalkhor’ in the Central List of OBCs for Uttar Pradesh”, NCBC Advice No. UP 3/94 (January 9, 1995), available at: <https://ncbc.nic.in/Writereaddata/addup3.pdf> (last visited on October 14, 2025).

³⁴³ *Ibid.*

³⁴⁴ *Ibid.*

³⁴⁵ Joel Lee, “Who is the True Halalkhor? Genealogy and Ethics in Dalit Muslim Oral Traditions” 52 *Contributions to Indian Sociology* 1 (2018).

³⁴⁶ *Ibid.*

³⁴⁷ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972). Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* 100-101 (Pantheon Books, New York, 1978).

³⁴⁸ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991).

³⁴⁹ Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

³⁵⁰ Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

stigma, which indicates the survival of caste ‘*humiliation*’ within institutions.³⁵¹ Additionally, it represents a step backwards from efforts and initiatives to reform sanitation work and dignify sanitation workers.³⁵² The label also corrodes the dignity guaranteed under Article 21 of the Constitution and perpetuates the structure rooted in ‘*graded inequality*’.³⁵³

3. Malan³⁵⁴

3.1. Prevalence: The term “*Malan*” is found in the Service Rules of the High Court of Andhra Pradesh. The term “*Mali*” (gardener) appears in various Service Rules as a designated post. While the word may appear to be simply a feminised version of “*Mali*”, it carries the intersecting weight of both gender-based and caste-based discrimination.³⁵⁵

3.2. Origin: “*Malan*” is the female version of “*Mali*”. “*Mali*” is a caste of horticulturalists known for growing vegetables, flowers, and small crops of spices. In terms of caste, they rank below grain farmers despite both groups being Shudras and classified as Other Backwards Castes (OBC).³⁵⁶ Historically, the gardening castes were not considered landholders and did not enjoy the hierarchy or privileges held by agricultural communities.³⁵⁷ Additionally, the Indian administrative records note that during the medieval period, “*Malan*” (lady gardener) was frequently mentioned, and she held the post of an important official at custom ‘*chowkies*’.³⁵⁸

³⁵¹ Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

³⁵² International Dalit Solidarity Network, Manual Scavenging, available at: <https://idsn.org/key-issues/manual-scavenging/> (last visited on October 22, 2025).

³⁵³ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 37 (Polity Press, Cambridge, 1991). Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216 (Dr. Ambedkar Foundation, New Delhi, 2020).

³⁵⁴ The Andhra Pradesh Last Grade Service Rules, 1992, r. 2, cat. (1)(c).

³⁵⁵ A separate analytical section for ‘*Mali*’ has not been included to avoid redundancy. The detailed deconstruction of its feminised form, ‘*Malan*’, already addresses the fundamental dignitary harm common to both, i.e., the perpetuation of a hereditary and caste-based occupational identity. The analysis of ‘*Malan*’ was prioritised as it serves as a more comprehensive case study, illustrating not only the core caste-based harm but also the *compounded subordination* that arises at the intersection of caste and gender. However, an alternate nomenclature has been suggested for both ‘*Mali*’ and ‘*Malan*’.

³⁵⁶ National Commission for Backward Classes, “NCBC Advice No. 4/Maharashtra/97: Request for Inclusion of Sub-castes/Synonyms of ‘*Mali*’ in the Central List of Backward Classes for Maharashtra” (1997).

³⁵⁷ R. E. Enthoven, *The Tribes and Castes of Bombay* (Asian Educational Services, New Delhi, Madras, 1990).

³⁵⁸ Narayan Singh Rao, “Gender, State and Society in Medieval Rajasthan: A Study Based on Archival Sources of the Hada State of Kota and Bundi” 75 *Proceedings of the Indian History Congress* 377 (2014).

3.3. Dignitary Harm: “*Malan*” perpetuates ‘*compounded subordination*’, which arises at the intersection of caste and gender, creating a distinct burden of ‘*misrecognition*’ that is ‘greater than the sum of its parts’.³⁵⁹ The ‘*stylized repetition*’ of calling an employee a “*Malan*” is an institutional ‘*performative act*’ which *creates and reproduces* the ‘*social reality*’ of a gendered and caste-based role within the institution.³⁶⁰ This ‘*misrecognition*’ of identifying her only through the intersecting lens of caste and gender denies her dignity, identity, and autonomy. This nomenclature is also a tool of ‘*domination*’, which reinforces patriarchal norms by assigning to women a role associated with nurturing (tending to plants).³⁶¹ By carving out a distinct, gendered, and caste-based category of employment, the term causes ‘*symbolic violence*’³⁶² and creates a system of ‘*graded inequality*’,³⁶³ which has gradually been ‘*naturalised*’ as the ‘*hegemonic administrative culture*’.³⁶⁴ Further, it also violates the principles of equality enshrined in Articles 14 and 15 of the Constitution by institutionalising both caste and gender-based hierarchies within the official nomenclature.³⁶⁵

4. Scavenger³⁶⁶

4.1. Prevalence: The term “*Scavenger*” has been found in the Andhra Pradesh Last Grade Service Rules and the Madras High Court Service Rules, 2015. The role and responsibilities of a “*Scavenger*”, as advertised, have been listed as cleaning lavatories, removing garbage, and maintaining sanitation in Court offices.³⁶⁷

³⁵⁹ Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” 1 *University of Chicago Legal Forum* 140 (1989).

³⁶⁰ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 33, 150, 179 (Routledge, New York, 1999).

³⁶¹ Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

³⁶² Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24, 166 (Polity Press, Cambridge, 1991).

³⁶³ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216 (Dr. Ambedkar Foundation, New Delhi, 2020).

³⁶⁴ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12,57 (Lawrence and Wishart, London, 1971).

³⁶⁵ The Constitution of India, art. 14 and 15.

³⁶⁶ The Andhra Pradesh Last Grade Service Rules, 1992, r. 2, cl. 8; The Madras High Court Service Rules, 2015, r. 3, Division III, Section II, Category 2(a)

³⁶⁷ *Ibid.*

4.2. Origin: The origin of the term “*Scavenger*” is the word “*scavager*”, which originally referred to a tax collector who examined goods, before becoming a person paid to take away dirt and rubbish from streets, buildings.³⁶⁸ “*Scavenger*” has been mentioned as “*Scavenger-cum-Thoti*”, “*Sweeper-cum-Scavenger*” and “*Head Sweeper*”, “*Jamedar Sweeper*”/ “*Jamedar Scavenger*” in Andhra Pradesh Last Grade Service Rules,³⁶⁹ which is indicative of their work being akin to that of a sweeper and overall to do with cleaning. The term is also used in India in the context of “*manual scavenger*”, a person engaged or employed by an individual or a local authority or an agency or a contractor for manually cleaning, carrying, disposing off, or otherwise handling in any manner human excreta in an insanitary latrine or in an open drain or pit into which human excreta from the insanitary latrine is disposed of or on a railway track or in such other spaces or premises as the Central Government or State Government may notify before the excreta fully decomposes.³⁷⁰ This is usually done by hand or with basic tools, and without protective gear. It is an exploitation at the intersection of caste and labour, causing certain communities only to perform caste-designated scavenging work in the guise of hereditary work.³⁷¹ It includes emptying bucket latrines, disposing of waste from dry toilets, removing waste from sewers and septic tanks, and disposing of night soil.³⁷² The occupation is deeply rooted in caste. Throughout South Asia, work related to sanitation was traditionally ascribed to particular ‘*jatis*’ as hereditary occupations under the ‘*jajmani system*’.³⁷³ Manual scavenging in India falls disproportionately on certain castes, such as Dalit communities, including “*Thottis*”, “*Lalbegi*” castes,³⁷⁴ “*Halalkhors*”, “*Mehtars*”, “*Balmikis*”, who

³⁶⁸ The term derives from Middle English ‘*scavager*’, originally referring to a tax collector who inspected goods, and later evolved to mean one who removes refuse. See Oxford English Dictionary (3d ed. 2024).

³⁶⁹ The Andhra Pradesh Last Grade Service Rules, 1992.

³⁷⁰ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Act 10 of 2013), s. 2(1)(g).

³⁷¹ S M Aamir Ali, “Manual Scavenging: Intersection of Caste and Labor” (September 2019), available at <https://ssrn.com/abstract=3667457>; Aishani Gupta, “Taking Dignity Seriously to Protect Manual Scavengers in India: Lessons from the UN Human Rights Committee” (July 22, 2022) *Human Rights Law Review* 2022, available at <https://ssrn.com/abstract=4391142> (last visited on October 29, 2025).

³⁷² Human Rights Watch, “Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India” 1 (2014), available at: <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> (last visited on October 28, 2025).

³⁷³ Harold A. Gould, “The Jajmani System of North India: Its Structure, Magnitude, and Meaning” 3 *Ethnology* 12 (1964).

³⁷⁴ Dr. Venkata Narasimha Rao Gogiseti, “Employment of Manual Scavengers: A Curse on Human Dignity” (2015) *LAWASIA Journal* 2015, available at <https://ssrn.com/abstract=3975951> (last visited on October 29, 2025).

were socially made to take on polluting work.³⁷⁵ Notably, *manual scavengers* have been considered untouchables by other people in the community.³⁷⁶ The processes were reinforced through colonial urbanisation. As towns expanded under the Company Rule and then the British, Municipal Authorities hired labour to clear drains, latrines and streets, invariably drawing from communities already associated with sanitation work through caste assignment.³⁷⁷ India first banned manual scavenging with the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.³⁷⁸ This was later replaced by a stronger Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.³⁷⁹ The practice continues, despite being legally prohibited, due to weak enforcement, as the laws largely remain unimplemented, combined with prejudice and a lack of economic choices.³⁸⁰

4.3. Dignitary Harm: The nomenclature “*Scavenger*” denotes a degraded term for an individual based on the occupation of manual scavenging. The phrase “*Scavenger*” is a demeaning label that links people to the collection and disposal of rubbish, implying impurity and low status. It does not honourably professionalise sanitation work. Certain communities have been marked for sanitation labour for centuries, a practice that is perpetuated by caste-based affiliations.³⁸¹ It perpetuates the idea that such labour is not a vocation but rather is reserved for specific castes. Article 17 of the Constitution abolishes untouchability, and people associated with the profession are mainly from the lower strata of society. The act of working in this profession is the enforcement of the disability and the social stigma attached due to already being an “untouchable”.³⁸² The Prohibition of Employment as Manual Scavengers and

³⁷⁵ Human Rights Watch, “Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India” 1 (2014), available at: <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> (last visited on October 28, 2025).

³⁷⁶ Anand Teltumbde, *The Persistence of Caste: The Khairlanji Murders and India’s Hidden Apartheid* 78 (Navayana, Delhi, 2010).

³⁷⁷ Vijay Prashad, “The Technology of Sanitation in Colonial Delhi” *Modern Asian Studies* 113 (2001).

³⁷⁸ The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (Act 46 of 1993).

³⁷⁹ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Act 10 of 2013).

³⁸⁰ *Dr. Balram Singh v. Union of India & Ors*, (2023) INSC 950.

³⁸¹ Priya Singh, “Manual Scavenging in India: Challenges, Innovations, and Future Directions” (2024) *SSRN Working Paper*, available at: <https://ssrn.com/abstract=5050064> (last visited on October 15, 2025).

³⁸² Aishani Gupta, “Taking Dignity Seriously to Protect Manual Scavengers in India: Lessons from the UN Human Rights Committee” *Human Rights Law Review* (2022).

their Rehabilitation Act, 2013, separate legislation specifically directed to abolish the practice of scavenging, to criminalise and rehabilitate the survivors involved. Still, the irony is dying a thousand deaths due to the administrative notification advertising the job position for working as a “*Scavenger*” in the High Courts.

SOCIETAL PERCEPTION, SEMANTIC EROSION, AND STIGMA

Words change their meanings as society progresses. Similarly, the original stature of administrative titles corroded when they interacted with time, social change, and hierarchy. The ‘*semantic erosion*’ of these terms resulted in them becoming bearers of diminished respectability rather than being what they originally were, labels of responsibility. Administrative nomenclatures such as “*Jamadar*” and “*Bhisti*” demonstrate this conversion perfectly. What once reflected as roles of competence, specialised skills, command, and supervision, has been reduced to stigmatised jobs invoking caste and hierarchy. These jobs were often taken up by people from historically marginalised or lower-class communities, paving the way for caste and class prejudices within the institutions.

This linguistic erosion caused by the sociological transformation requires urgent institutional reform where the symbolic inequality and the divide between grades of hierarchical posts are addressed. The culmination of language, perception, and social status entwined to naturalise hierarchy. Thus, this cluster analyses how the words over time came to mean less, and how their continued use represents a stark divide between the language of administrative continuity and constitutional principles.

Identified Terms

1. Bhisti³⁸³

1.1 Prevalence: The term “*Bhisti*” is found in the Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, actively governing High Courts of Uttarakhand and Allahabad.³⁸⁴

³⁸³ *Bhisti*, *Bhishti*, *Abdar*, and *Waterman* are used interchangeably in the Service Rules, all referring to traditional water carriers, a designation with colonial and occupational origins.

³⁸⁴ Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4, cl. (a); The Rajasthan High Court Staff Service Rules, 2002, r. 33; The Calcutta High Court Service Rules, 1960, Annexure III; The Special Rules for the Tamil Nadu Basic Service, 1971, Class IV, Cat.13 (Watermen).

1.2 Origin: The word “*Bhisti*” derives from the Persian word “*bihisht*”, meaning *paradise*.³⁸⁵ Historically, “*Bhistis*” were known to be providers of drinking water to anyone stranded on a road through their “*mashaks*” (bags made from goatskin). While the word may be positive at first glance, it is intrinsically linked to caste-based occupation, overwhelmingly occupied by Dalit communities.³⁸⁶ The job itself was structured around untouchability. They were the “traditional water carrier... indispensable in military stations before the introduction of water-pipes.”³⁸⁷ The term, notably, also finds a racist mention in Rudyard Kipling’s poem ‘*Gunga Din*’.³⁸⁸

The occupation has been mentioned in multiple historical sources, including colonial gazetteers and ethnographic surveys. “*Bhistis*” have been described as “Muhammadan water-carriers... found chiefly in cantonments and towns,” noting they were “not a distinct tribe, but followers of Islam pursuing the hereditary occupation of supplying water.”³⁸⁹ Over the years, the term got systematically embedded into the state machinery, where institutions listed them alongside “*Peons*” and “*Watchmen*” in Group D.³⁹⁰

1.3 Dignitary Harm: By creating a category of employment that is based on caste instead of skill reinforces the ‘*graded inequality*’ of the caste system within the judiciary.³⁹¹ This institutional act of social classification causes ‘*humiliation*’ as a ‘*relational structural practice*’, while it also violates Article 15 and Article 17 of

³⁸⁵ National Commission for Backward Classes, *Advice No. 36-37/Haryana/2007*, 28 March 2007.

³⁸⁶ EnRoute Indian History, “Living Waters: Museums of India -- 2”, August 21, 2024, available at: <https://enrouteindianhistory.com/living-waters-museums-of-india/> (last visited on October 14, 2025).

³⁸⁷ *Imperial Gazetteer of India* 1908 Vol. IV, s.v. “Bhishti”.

³⁸⁸ The poem is a clear example of the existing euphemism. The poet uses dismissive, derogatory, and dehumanising terms like “*limpin’ lump o’ brick-dust*”, “*squidgy-nosed old idol*”, and “*blackfaced crew*” to describe the “*regimental bhisti*” (*Gunga Din*). These descriptors strip him of *personhood* and reduce him to an object of mockery, signalling his position within the colonial hierarchy. However, following *Gunga Din*’s death while saving the narrator’s life, the tone shifts dramatically. In the poem’s closing of the poem, the narrator acknowledges *Gunga Din*’s courage, loyalty, and moral superiority, revealing the prevailing deep tension between entrenched colonial prejudice and the undeniable humanity of the person who serves him. Rudyard Kipling, *Barrack-room Ballads & Other Poems* (Peter Pauper Press, Mount Vernon, N.Y., 1963), available at: <https://archive.org/details/barrackroomballakipl/page/30/mode/2up> (last visited on October 14, 2025).

³⁸⁹ E. Thurston and K. Rangachari, *Castes and Tribes of Southern India* Vol. II, 168-170 (Government Press, Madras, 1909).

³⁹⁰ *Madras High Court Establishment List*, Madras Secretariat Record No. F-146 (1940s).

³⁹¹ Vasant Moon (ed.), “Third Reading of the Draft Constitution” 13, *Dr. Babasaheb Ambedkar Writings and Speeches* 1216 (Dr. Ambedkar Foundation, New Delhi, 2020).

the Constitution.³⁹² The persistent usage of this term further perpetuates a pre-constitutional ‘*discourse*’ where the society was organised around hereditary roles.³⁹³ It is a powerful example of ‘*symbolic violence*’, where the nomenclature is deemed to be a traditional descriptor of the job, but it ‘*normalises*’ and ‘*legitimises*’ a deeply discriminatory practice of feudal and colonial times.³⁹⁴ Additionally, the dignitary harm faced by women of this community is ‘*compounded*’ excessively as they face ‘*subordination*’ based on their class, religion, and gender.³⁹⁵ It is a powerful tool of ‘*dominance*’ that causes ‘*thingification*’ of the individual, where they are defined by their birth and not as a professional employee.³⁹⁶ This also leads to institutional ‘*misrecognition*’, where the identity of an employee is viewed *only* through the historical and discriminatory lens of caste.³⁹⁷ This unquestioned acceptance of the caste-based nomenclature³⁹⁸ has ‘*naturalised*’ the link between certain castes and occupations, creating a ‘*hegemonic*’ administrative culture.³⁹⁹

2. Jamadar⁴⁰⁰

2.1 Prevalence: The nomenclature ‘*Jamadar*’⁴⁰¹ is prevalent among many of the Service Rules of High Courts, Allahabad, Andhra Pradesh, Calcutta, Chhattisgarh,

³⁹² Gopal Guru, “Humiliation: Claims and Context,” in Gopal Guru (ed.), *Humiliation: Claims and Context* 1-19 (Oxford University Press, New Delhi, 2009).

³⁹³ Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996); Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972). Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* 100-101 (Pantheon Books, New York, 1978).

³⁹⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison* 27 (Vintage Books, New York, 1995). Michel Foucault, “Truth and Power”, in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* 131, 132 (Pantheon Books, New York, 1980). Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 23, 24 (Polity Press, Cambridge, 1991).

³⁹⁵ Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” *1 University of Chicago Legal Forum* 139-167 (1989).

³⁹⁶ Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, 124 (Harvard University Press, Cambridge, 1989).

³⁹⁷ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 169-170 (Polity Press, Cambridge, 1991).

³⁹⁸ The personal suffering, humiliation, and dignitary harm due to this causes injury to identity of the employees. Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

³⁹⁹ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12,57 (Lawrence and Wishart, London, 1971).

⁴⁰⁰ *Jamadar*, *Zamadar*, and *Jamedar* are used interchangeably in the Service Rules, all originating from the same colonial-military designation denoting rank and supervision.

⁴⁰¹ The High Court of Meghalaya Officers and Staff (Recruitment and Conditions of Service) Rules, 2019, Sch., Cl. IV, Sl. No. 5; The High Court of Tripura Services (Appointment, Conditions of Service and Conduct) Rules, 2014, r. 7; The Rajasthan High Court Staff Service Rules, 2002, r. 35 & Sch. II, Cl. IV, Entry 3; Service Rules of

Gauhati, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Madras, Meghalaya, Odisha, Patna, Rajasthan, Sikkim, Telangana, Tripura and Uttarakhand. Numerous synonyms of the term exist in the Service Rules, such as “*Jamadar (Farash)*”, “*Jamadar Sweeper*”, “*Jamadar Scavenger*”, etc. There is no distinct, defined job description regarding the role and responsibilities.

2.2 Origin: The term “*Jamadar*” originates from the Persian and Arabic languages. Etymologically, the Arabic word “*jama’at*” (denoting a group or gathering) with the Persian suffix “*-dar*” (indicating one who possesses or governs), makes the word. Initially, a “*Jamadar*” referred to someone who oversaw a team of individuals.⁴⁰² In the British Indian Army, “*Jamadar*” meant a military rank, denoting the lowest position for a Viceroy’s commissioned officer. “*Jamadars*” either held a leadership post of commanding platoons⁴⁰³ or supported their British commanders. This remained a military rank in the Indian Army until 1965.⁴⁰⁴ In routine, the term “*Jamadar*” has become associated with sanitation work, a profession that is socially stigmatised and primarily performed by Dalit and Valmiki populations⁴⁰⁵.

2.3 Dignitary Harm: Often linked to supervisory tasks which were historically associated with untouchability, the prevalence of this term is violative of Article 17.

the High Court for the State of Telangana, 2019, r. 3, Div. III, Cat. 4(a) & Cat. 5(i)(a); The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, r. 37(1); The High Court of Karnataka Service (Conditions of Service and Recruitment) Rules, 1973, Sch. I, item 52; The Jammu and Kashmir High Court Staff (Conditions of Service) Rules, 1968, Sch., Cl. IV; Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules, 2017, Sch. IV, Entry 4; The High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998, Sch.; The Jharkhand High Court Officers and the Members of the Staff (Recruitment, Conditions of Service, Conduct and Appeal) Rules, 2003, r. 7 & Sch. D; The Himachal Pradesh High Court Officers and the Members of Staff (Recruitment, Promotion, Conditions of Service, Conduct & Appeal) Rules, 2015, Sch. II, S. No. 43; The Patna High Court Officers and Staff (Recruitment, Appointment, Promotion and other Condition of Service and Conduct) Rules, 2021, r. 6(I), Sl. No. 14; The High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r. 4(b); The Madras High Court Service Rules, 2015, r. [as amended vide R.O.C. No. 38609-A/Z2023/RAC]; The Andhra Pradesh Last Grade Service Rules, 1992, r. 2, cat. (1)(a); Gauhati High Court Service Rules, 1967, Sch. I, p. 518; The Jharkhand High Court Officers and the Members of the Staff (Recruitment, Conditions of Service, Conduct and Appeal) Rules, 2003, Schedule, Entry 7; The Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, r 4(b); The Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules, 2017, Sch. III, Sl. No. 3; The High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998, Sch. II-A, r. 28.

⁴⁰² Niladri Chatterjee, *The Uprising in the ‘Periphery’: Bengal 1857–58* (2015) (Unpublished Ph.D. thesis, SOAS, University of London), at 13, available at: <https://soas-repository.worktribe.com/output/329370> (last visited on November 4, 2025).

⁴⁰³ “Jemadar”, *Collins English Dictionary*, available at: <https://www.collinsdictionary.com/dictionary/english/jemadar> (last visited on October 16, 2025).

⁴⁰⁴ *Ibid.*

⁴⁰⁵ Sonal Sharma, “Of Rasoi Ka Kaam/Bathroom Ka Kaam Perspectives of Women Domestic Workers,” 51 *Economic and Political Weekly* 52-61 (2016).

It also fails to accord any dignity to the employees, making it violative of Article 21. *Genealogically*, this term perpetuates a ‘discourse’ of colonial command and control designed for the effective control of the native subordinates.⁴⁰⁶ The term ‘Jamadar’, along with titles like “Masalchi” and “Mali”,⁴⁰⁷ continues to exist in Court service designations despite its feudal and caste connotations. In failing to recognise the necessary skills required for fulfilling the responsibilities of this job, the prevalence of this term ‘misrecognises’ them as petty officers through a colonial lens.⁴⁰⁸ The persistent use of this term perpetuates narratives of servitude and caste subjugation, reinforcing the historical inequalities in colonial administrative language. In doing so, it creates a culture of ‘hegemony’ where the existence of such terms is gradually ‘naturalised’.⁴⁰⁹

⁴⁰⁶ Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language* 38 (Pantheon Books, New York, 1972). Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* 100-101 (Pantheon Books, New York, 1978).

Norman Fairclough, *Language and Power* 2, 34 (Longman Inc., New York, 1996).

⁴⁰⁷ “Dubash, Roneo Operator, Mali, Masalchi, Jamadar and Other Job Titles in the State Government”, *The Hindu*, March 19, 2025, available at: <https://www.thehindu.com/news/national/telangana/dubash-roneo-operator-mali-masalchi-jamadar-and-other-job-titles-in-the-state-government/article69348989.ece> (last visited on October 16, 2025).

⁴⁰⁸ Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 22-24, 169-170 (Polity Press, Cambridge, 1991). The structural effect of this, i.e., the continued assault on the dignity and identity of the employees, results in an ethical wound leading to Taylorian misrecognition.

Charles Taylor, “The Politics of Recognition”, in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

⁴⁰⁹ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12,57 (Lawrence and Wishart, London, 1971).

VI. REFORMING NOMENCLATURE THROUGH EQUITY AND DIGNITY

Language as a Site of Reform

Language, as a tool of governance, encapsulates and cyphers histories of hierarchy. If left unchecked for long, it gradually transforms into an aid that perpetuates and reproduces hierarchies in everyday life. The urgent need to amend the prevailing caste-based, hierarchical, colonial, and semantically eroded administrative nomenclature of High Court Service Rules emanates from constitutive conventions. The normative constitutional imperative requires the judicial institutions to align their language with the foundational values of the Constitution of India.

Terms such as “Peon”, “Coolie”, “Farash”, “Watch and Ward”, “Darwan”, or “Halalkhor” inherently carry the burden of a caste-based, hierarchical, undemocratic, and colonial past. The weight under which caste, social norms, and colonialism fuse to form a nomenclature that defines service as subservience. Reforming such nomenclature, which relies heavily on the inherited ‘*grammar of inequality*’,⁴¹⁰ is a constitutional responsibility of the judicial institutions. It is a necessary act of *constitutional translation* that rectifies discriminatory administrative terms into a lexicon of equality, dignity of labour, and fraternity.

The Third Space and the Resignification of Meaning: Theoretical Foundation

The exercise of renaming the nomenclature is not to *erase* but to *resignify* historical vocabulary into a space of ‘*cultural*’ and ‘*discursive*’ hybridity.⁴¹¹ The concept of the ‘*Third Space*’ by Homi K. Bhabha aids in this process, where the meaning of words, instead of being inherited, is negotiated to produce new meanings that are concurrently continuous and transformative.⁴¹²

Relying on Bhabha’s framework of ‘*hybridity*’, the “*binary*” of coloniser/colonised or superior/subordinate is disrupted, and the new administrative titles rearticulate inherited forms

⁴¹⁰ *Grammar of inequality* has been drawn from the theories of Foucault, Bourdieu, and Ambedkar. It underscores the current bureaucratic language that follows a *grammar* inherited from feudal, colonial, and caste classification. The persistent usage of this structured pattern in the nomenclature has been gradually naturalised.

⁴¹¹ It synthesises two core arguments in Homi K. Bhabha’s postcolonial theory. The rejection of ‘*erasing*’ the past aligns with Bhabha’s critique of returning to a pure, pre-colonial origin, viewing history instead as something constantly reinscribed in the present. Homi K. Bhabha, *The Location of Culture* 7 (Routledge, London and New York, 1994).

The goal of ‘*resignifying*’ vocabulary within a ‘*space of cultural and discursive hybridity*’ is the central political function of what Bhabha calls the ‘*Third Space of Enunciation*’, where new, transformative meanings are created. *Id.* at 36-37.

⁴¹² *Id.* at 35-39.

through contemporary values.⁴¹³ They aim to preserve the ‘*continuity*’, which is based on the institutional memory and ‘*function*’ of each role, while also transforming them by replacing the inherent ‘*symbolic hierarchy*’ embedded in them.⁴¹⁴ For example, amending *Peon* with *Office Attendant* removes servitude but does not erase the underlying administrative function; it instead describes it within the language of *equality*. This emergence of a dignified, hybrid, and postcolonial institutional language is the ‘*Third Space*’ in operation.

Critical Discourse and Symbolic Power: Analytical Principles

Amending vocabulary is a structural requirement, not ornamental. Relying on Norman Fairclough’s ‘Critical Discourse Analysis’ (CDA) and Pierre Bourdieu’s notion of ‘*symbolic power*’, an institutional reform is recommended at the level of meaning. This reform signifies and shifts how institutions view and imagine labour, authority, and equality.

Under Fairclough’s CDA, language both reflects and constructs power relations. Terms such as “*Scavenger*”, “*Jamadar*”, or “*Basta Bardar*” thus function as a ‘*discursive mechanism*’. They do not merely remain harmless, neutral descriptors; rather, they form as a social practice with an *unquestioned* hierarchy and social dominance in administrative routine. Similarly, Bourdieu’s ‘*symbolic power*’ underscores the creation of linguistic categories and the maintenance of social distinctions. This categorisation and division over time are perceived as ‘*natural*’. Replacing such words with neutral, function-based, or dignity-oriented alternatives is imperative as it disarms this symbolic power and results in ‘*discursive justice*’.⁴¹⁵

⁴¹³ Homi K. Bhabha, *The Location of Culture* 38 (Routledge, London and New York, 1994).

⁴¹⁴ This sentence summarises two key aspects of Homi K. Bhabha’s theory. The idea of preserving “*continuity*” by acknowledging institutional memory draws on his argument that the past is constantly being re-negotiated and “*rehistoricized*” in the present. *Id.* at 191.

The goal of “*transforming*” hierarchies is central to his concept of the “*Third Space of Enunciation*”, which he defines as a hybrid, “*in-between*” site where the *binaries* of colonial power can be subverted and new meanings can emerge. *Id.* at 38.

⁴¹⁵ This paragraph summarises the Report’s application of two key analytical tools. The concept that language is a “*discursive mechanism*” and a “*social practice*” that both reflects and constructs power relations is central to Norman Fairclough’s Critical Discourse Analysis (CDA). Norman Fairclough, *Language and Power* 2,34 (Longman Inc., New York, 1996). The argument that the state’s “*symbolic power*” creates and legitimises social distinctions by making them appear “*natural*” is from Pierre Bourdieu. Pierre Bourdieu, “The Economy of Linguistic Exchanges”, in John B. Thompson (ed.), Gino Raymond and Matthew Adamson (trans.), *Language and Symbolic Power* 37 (Polity Press, Cambridge, 1991).

“*Discursive justice*” is the term used in the Report for the remedy achieved by dismantling this symbolic power through linguistic reform.

The Constitutional Framework

This linguistic reform reestablishes the existing administrative language toward constitutional principles. Each of the suggested alternatives was evaluated via three constitutional tests:

1. **Equality of Status and Opportunity** - Does the suggested terminology remove embedded markers of social hierarchy in consonance with Article 14?
2. **Abolition of Untouchability and Caste Discrimination** - Does the new nomenclature sever profession from caste and purity codes abiding by Articles 15-17?
3. **Dignity of Labour** - Does it assert the moral worth of all occupational functions conforming to Articles 21, 39, and 41?

To restore dignity in the daily administrative nomenclature, this shift is emphasised upon constitutional compliance. Thus, the shift from “*Halalkhor*” to *Sanitation Attendant*, or from “*Court Servant*” to *Judicial Support Staff*, eliminates the ‘*grammar of inequality*’ and guarantees the *lexicon of justice*.

Policy Framework: Towards Inclusive and Neutral Institutional Nomenclature

Principle	Meaning	Example
Functionality	The emphasis should be on guaranteeing administrative clarity. Thus, the reliance should be on the actual role or the tasks one performs in such a role.	<i>Bundle Lifter</i> becomes <i>Material Coordinator</i>
Neutrality	The suggested nomenclature should avoid using terms highlighting caste, class, gender, race, and religion in the posts.	<i>Farrash / Farash</i> becomes <i>Maintenance Assistant</i>
Professionalism	Suggested terms should specifically reflect skills and contributions instead of status.	<i>Daftari</i> becomes <i>Records Assistant</i>
Dignity	The terms should recognise all work as essential to institutional functioning, ensuring the dignity of labour.	<i>Safaiwala</i> becomes <i>Cleaning Attendant</i>
Continuity	The institutional familiarity should be preserved while updating the symbolic meaning of the administrative posts.	<i>Jamadar</i> becomes <i>Operations Supervisor</i>
Inclusivity	The suggested terms must be gender-neutral and socially inclusive.	<i>Room Boy</i> becomes <i>Housekeeping Attendant</i>

Amending the existing nomenclature towards a lexicon rooted in respect, dignity, and inclusivity

Based on the above principles, the suggested reform aims to decolonise the administrative lexicon prevalent in the Supreme Court and High Court Service Rules in India. It aims to transform the way the support staff are addressed, recorded, and remembered within the judicial institutions. In recognising the contribution of the support staff who sustain the functioning of the institutions, an “*interstitial space*” is created.⁴¹⁶ This interstitial space acts as an opening for ‘*symbolic and discursive justice*’ in everyday interactions, leading to the formation of a *third language*. Based on neither ‘*colonial mimicry*’ nor ‘*abstract idealism*’, the third language is inherently rooted in the dignity of labour, respect, neutrality, equality, and inclusion.⁴¹⁷ It suggests a dynamic nomenclature that aligns with the ideals and values of the Constitution.

The following table, thus, proposes alternatives aimed at removing residual markers of colonialism, caste-based hierarchy, servitude, and terms that inherently do not carry any stigma but require modernisation. The emphasis has been placed on the actual role performed by the employees instead of the naturalised hierarchical positions used as administrative nomenclature, thereby moving from *status* to *function*.

S. Nos.	Prevalent Terms	Suggested Terms	Category	Rationale
1	Basta Bardar	Document Handler	Function, Neutrality	Emphasises rationality, function, and neutrality. It also removes physicality from identity.

⁴¹⁶ “*Interstitial space*” is Bhabha’s term for the “*Third Space of Enunciation*” a hybrid and ambivalent site where the rigid binaries of dominant culture are disrupted. As applied here, this space is created in the gap between the old hierarchical nomenclature and the new, dignifying act of “*recognising contribution*”. It is in this “*in-between*” space that the old meanings become unstable, allowing for a new, hybrid nomenclature to be created. Homi K. Bhabha, *The Location of Culture* 36-37 (Routledge, London and New York, 1994).

⁴¹⁷ *Ibid.*

2	Bundle Lifter	Material Coordinator	Dignity	Emphasises responsibility and coordination instead of physical work.
3	Chobdar	Ceremonial Assistant	Neutrality	This removes subservience and reframes the colonial title to an institutional support role.
4	Chowkidar	Security Personnel	Function, Neutrality	Instead of domestic servitude, the new word represents occupational dignity in uniformity with the security sector.
5	Coolie	Freight Assistant	Function	The suggested word removes caste and class reference from the post, and roots the word in logistics infrastructure.
6	Court Servant	Judicial Support Staff	Neutrality	Reframes the language of servitude and aligns it with the equality embedded in the Constitution. The

				suggested word emphasises institutional team-building.
7	Cycle Sawar	Logistics Assistant	Neutrality, Functionality	Reframes the colonial term as a functional descriptor of the work, with an emphasis on the logistical contribution of the employee.
8	Daftari / Daftarband / Duffadar	Records Assistant / Court Keeper	Professionalism, Dignity	The suggested term removes Persian/Colonial residue and reclaims clerical work as skilled and professional, which is necessary in the overall functioning of the institutions.
9	Darwan	Access Control Officer	Dignity, Continuity	The suggested word transforms the symbolic value of the employee and roots it into responsibility, function, while

				maintaining continuity (guarding access).
10	Dhobi	Laundry Operator	Function	Suggested term eliminates the caste-identity from the post and emphasises the technical function of the job.
11	Driver	Transport Assistant / Chauffeur	Function, Neutrality	The modernised term removes hierarchical distinction and roots it in neutrality and the function of the job.
12	Farash / Frash	Maintenance Assistant / Supervisor (Room)	Neutrality, Function	Suggested term eliminates colonial and feudal residue and roots the word in the contribution that the employee provides to the institute.
13	Gestetner Operator	Document Production Assistant	Dignity, Professionalism	The new term modernises the old term and roots it in professional and technical aspects of

				the job.
14	Halalkhor	Sanitation Attendant	Professionalism, Dignity	In line with constitutional values, the new term eliminates the reference to caste historically associated with untouchability, and suggests a term rooted in professionalism and dignity.
15	Hamal	Logistics Staff	Neutrality	The new term eliminates the caste-based reference and incorporates the modern logistical ecosystem, bringing it into uniformity with other technical posts.
16	Havildar	Security Supervisor	Function, Professionalism	The new term evokes leadership without any colonial baggage.
17	Jamadar (Safaiwala)	Supervisor (Cleaning	Professionalism, Dignity	Emphasis is upon essential service

		Services)		provision rooted in skill and dignity.
18	Jamadar / Jamedar	Operations Supervisor / Usher	Function and Continuity	Emphasis is upon the removal of caste-based hierarchy and colonial connotations. The new title recognises supervisory responsibility.
19	Malan	Horticulture Attendant / Lawn Attendant	Dignity and Inclusivity	Emphasis is upon the removal of caste-based terms and proposing a gender-neutral term rooted in dignity and respect.
20	Mali	Horticulture Attendant / Lawn Attendant	Dignity and Inclusivity	While retaining the connection to cultivation, the new term is rooted in dignity and inclusivity at an institutional level.
21	Masalchi	Kitchen Assistant	Function and Dignity	While retaining the clarity of function, the new word removes the menial

				implication of the word.
22	Mulia	Unit Worker	Neutrality and Dignity	Emphasising equality, respect, and dignity of labour, the new term removes a hierarchical institutional role to a neutral, dignified administrative post.
23	Naik	Judicial Process Assistant	Dignity and Neutrality	Emphasis is upon transforming a colonial-military rank into a procedural legal role that is neutral and rooted in dignity.
24	Peon / Orderly	Office Assistant / Court Attendant	Professionalism	The suggested term removes the connotation of servitude, which also reflects uniformity within the institutional structure.
25	Room Boy	Housekeeping Attendant	Dignity, Function, Inclusivity	The suggested term is gender neutral and culturally accurate.

				While emphasising the function of the employee, the term is further rooted in dignity and inclusivity.
26	Safaiwala / Safai Karamchari	Cleaning Attendant / Supervisor (Cleaning Services)	Professionalism, Dignity, and Function	The new term harmonises functional accuracy with linguistic dignity, while also reasserting constitutional respect and equality.
27	Scavenger	Sanitation Attendant	Professionalism, Dignity	While introducing a neutral lexicon rooted in professionalism and dignity, it also eliminated the term historically tied to impurity and untouchability.
28	Sewak	Service Personnel	Professionalism	The term suggested removes the paternalistic and religious subservience of the root word ' <i>sewa</i> '.

29	Sweeper	Cleaning Attendant / Sanitation Attendant	Professionalism, Dignity	Suggested term removed moral inferiority attached to manual cleaning, while also bringing the term into uniformity with other technical posts.
30	Watch and Ward	Security Supervisor	Dignity, Professionalism	The colonial departmental term is removed, and a professional term underscoring oversight and protection is provided.
31	Waterman / Bhisti	Water Supply Assistant	Neutrality, Function	The caste lineage is removed while the function is retained.

VII. TOWARDS DISCURSIVE JUSTICE THROUGH LINGUISTIC REFORM

The extensive mapping and analysis of the administrative nomenclature across the Supreme Court and India's High Courts reveals that the judiciary, through its own Conditions and Service Rules, perpetuates a '*grammar of inequality*'.⁴¹⁸ It highlights issues of not mere *semantic erosion* but an institution aiding in carrying the linguistic relics of the past, which are *active* instruments of stratification and exclusion. The existing nomenclature is not merely a part of the bureaucratic language; instead, it symbolically perpetuates caste-based discrimination, reproduces servile hierarchies, and '*legitimises*' inherited stigma.⁴¹⁹

This process creates a profound dissonance between constitutional ideals and administrative realities, leading to *dignitary harm* and *institutionalised 'misrecognition'*.⁴²⁰ Within this linguistic regime, the inherited *bias* recognises some titles to be worthy of respect and authority, while enforcing invisibility upon others. When the institution tasked with safeguarding equality reproduces subordination within its own framework, it takes the form of a '*performative act*' that reinforces the hierarchies it was meant to dismantle.⁴²¹ This '*stylized repetition*' embeds structural inequality into the very *grammar* of judicial administration.⁴²²

The comprehensive mapping of designations such as "*Jamadar*", "*Peon*", "*Scavenger*", "*Hamal*", and "*Farash*" reveals this constitutional incongruity. The terms *prima facie* violate Articles 14, 15, 16, 17, and 21 by creating arbitrary classifications, enabling discrimination on the basis of descent, sustaining the practice of untouchability linguistically, and diminishing the right to live with dignity. Terms such as "*Halalkhor*" and "*Scavenger*" violate the prohibitions of caste-based discrimination under Article 15 and 16, while nomenclature such as "*Sewak*", "*Watch and Ward*", "*Court Servant*" erode the dignity guaranteed under Article 21 by '*naturalising*' servitude as an administrative identity. The existing lexicon reduces

⁴¹⁸ The term '*grammar of inequality*' as used in this Report, refers to the set of unwritten, hierarchical rules inherited from feudal, colonial, and caste-based systems that structure the judiciary's administrative nomenclature. Drawing on Foucault's concept of *discourse* and Bourdieu's theory of *symbolic violence*, it describes how this linguistic system imposes what Ambedkar termed '*graded inequality*' by naturalising a pre-constitutional social order and making it appear as a *neutral* bureaucratic practice.

⁴¹⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison* 27 (Vintage Books, New York, 1995). Michel Foucault, "Truth and Power", in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* 131, 132 (Pantheon Books, New York, 1980).

⁴²⁰ Charles Taylor, "The Politics of Recognition", in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* 25-73 (Princeton University Press, Princeton, 1994); Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* 90-92 (MIT Press, Cambridge, 1995).

⁴²¹ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* 33 (Routledge, New York, 1999).

⁴²² *Id.* at 34.

individuals to merely their function within a colonial administrative hierarchical power dynamic, rather than referring to them as professionals actively contributing to the functioning of the courts.

The theoretical lenses of *Bourdieu* and *Gramsci* justly elucidate that such language primarily operates as an embodiment of ‘*symbolic violence*’ and ‘*cultural hegemony*’, ‘*naturalising*’ and normalising ‘*subordination*’, while also making inequality invisible within the administrative everyday lives.⁴²³ This underscores the necessity of proposing the linguistic reform, which is not merely for symbolic correctness, but is constitutionally imperative to propose a lexicon rooted in equality, dignity, and fraternity.

Consequently, the Report proposes a conceptual and structural linguistic reform of administrative nomenclature grounded in the theory of Homi K. Bhabha’s framework of the ‘*Third Space*’, which paves the way to reconcile *language* and *law*.⁴²⁴ It seeks to create a new, hybrid institutional language that is simultaneously grounded in the functional history of the term while also aligning with the constitutional principles. This ‘*Third Space*’ offers an opportunity to supersede *historically loaded terms* with administrative posts that are grounded in neutrality, functionality, inclusivity, equality, and dignity. This process forges the reform into an act of both ‘*recovery*’ and ‘*rearticulation*’, synthesising institutional memory with constitutional justice to ensure history is honoured without repeating its inequities.⁴²⁵

The reform also enables the judiciary to take a significant step towards decolonising its language and institutional practices by moving from *status-based* to *function-based* nomenclature. It recognises that the words used by the administration are themselves a medium of justice. It facilitates the institution in creating a work environment that is rooted in dignity, equality, and humanity, where the promise of justice is reflected, recognised, and acknowledged in the very words used to define its workforce. Consequently, it is an indispensable intervention to align the language of the administration with the language of the Constitution, thereby closing the gap between what the judiciary *pronounces* and what it *practices*, and reaffirming that language itself is the judiciary’s *first act of justice* – an act of *recognition, pedagogy, and symbolic justice*.

⁴²³ Quentin Hoare and Geoffrey Nowell Smith (eds.) (trans.), *Selections from the Prison Notebooks of Antonio Gramsci* 12, 57 (Lawrence and Wishart, London, 1971).

⁴²⁴ Homi K. Bhabha, *The Location of Culture* 35-39 (Routledge, London and New York, 1994).

⁴²⁵ *Id.* at 36-37, 85-92.