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Inequality & Caste-Based Crime In India, With Special Reference To SC & ST

Ghadage Santosh Shrimant Rao, L.L.M, Chhatrapati Shivaji Maharaj University,
Panvel, Navi Mumbai

&

Dr Pankaj Dwivedi, Associate Professor, Department of Law, Chhatrapati Shivaji Maharaj
University, Panvel, Navi Mumbai

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Abstract

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is among India's most progressive anti-discrimination statutes. However, its effectiveness is hampered by inconsistent enforcement, systemic bias, and political indifference. Despite increasing reports of caste-based violence, conviction rates remain low, and victims face severe risks in pursuing justice. This paper analyses the implementation gaps through judicial trends, administrative shortcomings, and societal resistance. It highlights the need for caste-neutral investigations, expedited legal proceedings, public legal awareness, structured administrative reviews, and robust victim support systems. The paper argues that without institutional commitment and accountability, the PoA Act risks becoming a performative law with minimal impact. By offering clear and actionable recommendations, this study provides a roadmap to reinvigorate the statute's enforcement and strengthen protection mechanisms for marginalised communities. It underlines the necessity of political will, bureaucratic responsiveness, and grassroots legal empowerment in translating legal rights into lived realities. The analysis is grounded in official data, judicial decisions, and policy reports, making a case for urgent and focused reforms to restore the law's credibility and effectiveness.

Keywords: *PoA Act, caste discrimination, conviction rate, fast-track courts, victim protection*

Introduction

India's caste system, deeply rooted in history and culture, stratified society into a rigid hierarchy: Brahmins, Kshatriyas, Vaishyas, and Shudras. Among these, the Shudras and later the so-called "untouchables" (now constitutionally recognised as Scheduled Castes and Scheduled Tribes—SC/ST) endured systematic marginalisation. Traditionally, they were relegated to menial labour, denied basic human dignity, and forced to adopt humiliating practices like wearing pots to collect their spit or brooms tied to their waists to sweep their shadows off the ground. Despite India's independence in 1947 and the constitutional guarantee of equality from 1950, caste-based atrocities have persisted. Recognising the insufficiency of the Indian Penal Code and the Protection of Civil Rights Act 1955, the Indian government enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989 ("PoA Act"). This statute aimed to address violent crimes and systemic oppression, ensuring dignity and equal status to the SC/ST communities.

Legal and Constitutional Framework

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter "PoA Act") was legislated as a response to persistent caste-based violence and discrimination, particularly against Dalits (Scheduled Castes) and Adivasis (Scheduled Tribes). Its legal foundation is rooted in the Indian Constitution, specifically Articles 15(4), 17, and 46. Article 15(4) allows the state to make special provisions for the advancement of socially and educationally backwards classes.¹ Article 17 abolishes untouchability and makes its practice in any form a punishable offence.² Article 46 directs the State to promote the educational and economic interests of Scheduled Castes and Scheduled Tribes and protect them from social injustice and all forms of exploitation.³

Section 3 of the PoA Act criminalises a wide array of caste-based abuses, ranging from verbal abuse and social ostracism to more extreme forms like economic boycotts, sexual violence, and

¹ Constitution of India 1950, art 15(4).

² *ibid* art 17.

³ *ibid* art 46.

dispossession of land.⁴ These offences are classified as atrocities because they stem from systemic caste-based discrimination and aim to reinforce caste hierarchies.

In *State of Karnataka v Appa Balu Ingale*⁵ The Supreme Court of India unequivocally stated that untouchability in any form is a direct violation of human dignity and must be eradicated in both letter and spirit. This ruling affirmed that the constitutional commitment against caste-based discrimination is not just symbolic but demands robust enforcement mechanisms, such as those provided under the PoA Act.

Judicial Interpretations and Case Law

Judicial interpretation has played a pivotal role in both reinforcing and, at times, weakening the potency of the PoA Act. In *Subhash Kashinath Mahajan v State of Maharashtra*⁶, the Supreme Court introduced procedural safeguards for the accused, including the need for prior approval and a preliminary inquiry before registering an FIR under the Act. While the Court justified this move as a check against the misuse of the law, critics, including Dalit organisations and legal scholars, viewed it as diluting the core intent of the Act.

This judgment led to nationwide protests and demands for immediate reversal. Responding to public outcry, Parliament passed the 2018 Amendment Act, which reasserted the original provisions: no preliminary inquiry is required before filing an FIR, anticipatory bail is disallowed in cases under the Act, and immediate arrest is mandatory in serious offences.⁷ This legislative intervention underlined the political and legal consensus that the PoA Act must remain uncompromised in its stringency.

In *Khuman Singh v State of Madhya Pradesh*⁸ The Supreme Court clarified evidentiary standards under Section 3(2)(v), which enhances punishment when a crime is committed against a person due to their SC/ST identity. The Court emphasised that the prosecution must prove both the caste identity of the victim and the intentional targeting based on that identity, thereby reinforcing the Act's purpose but also introducing a high evidentiary burden.

⁴ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 3.

⁵ *State of Karnataka v Appa Balu Ingale* AIR 1993 SC 1126.

⁶ *Subhash Kashinath Mahajan v State of Maharashtra* (2018) 6 SCC 454.

⁷ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018.

⁸ *Khuman Singh v State of Madhya Pradesh* (2019) 10 SCC 220.

Implementation Gaps and Statistics

Although the legal framework of the PoA Act is robust, its implementation is often riddled with inefficiencies. Data from the National Crime Records Bureau (NCRB) reveals that in Maharashtra, only 6.6% of atrocity cases resulted in convictions between 2011 and 2016, while over 93% ended in acquittals.⁹ This stark gap points to issues such as poor quality of investigation, prosecutorial inertia, and judicial delays. Jambhulkar's empirical study found that police officers frequently hesitate to register FIRs under the Act due to fear of administrative or political consequences.¹⁰ There is also a documented trend of misclassifying offences to avoid invoking the stringent provisions of the PoA Act. Legal scholar Verma argues that impartial enforcement requires caste-neutral, senior-level officers to handle investigations.¹¹ He notes that lower-level officials, often embedded in local caste networks, may be susceptible to bias or pressure, which undermines the objectivity of the legal process.

Societal Resistance and Abuse of Law

The enforcement of the PoA Act has also been met with growing resistance from upper-caste communities, who allege that the law is frequently misused for personal or political vendettas. This argument gained traction in mainstream discourse following high-profile cases where the accused were later acquitted.

In *Hitesh Verma v State of Uttarakhand*¹² The Supreme Court emphasised that for an offence under the PoA Act to be made out, the insult or abuse must be specifically linked to the victim's caste identity. The judgment aimed to draw a clear distinction between general disputes and caste-based offences.

Nevertheless, Dalit rights groups argue that disproportionate focus on false cases diverts attention from the widespread and persistent nature of caste-based atrocities. Scholars Nayak and Yadav highlight how the socio-legal environment remains hostile to Dalits, especially in

⁹ National Crime Records Bureau, *Crime in India* (2016), Table 7.3.

¹⁰ Ashok Jambhulkar, 'Policing Caste: An Empirical Study on SC/ST Atrocity Law Implementation in Maharashtra' (2019) 54(15) *EPW* 41.

¹¹ Raghav Verma, 'Caste and the Rule of Law: Challenges in the Enforcement of the SC/ST Act' (2020) 55(3) *EPW* 33.

¹² *Hitesh Verma v State of Uttarakhand* (2020) 10 SCC 710.

rural areas where caste hierarchies are rigidly enforced.¹³ Urban areas, while appearing more progressive, often exhibit subtler forms of exclusion and discrimination.

Recommendations

1. Caste-Neutral Investigation

To ensure objectivity, investigating officers should not belong to the same caste or community as the accused. This reduces the risk of bias, conflict of interest, or intimidation. Appointing officers from outside the district or creating a special investigatory unit trained in caste atrocity cases could further fortify this mechanism.¹⁴

2. Fast-Track Courts

Delayed justice amounts to denied justice. The government must operationalise exclusive Special Courts for PoA cases with trained judges and dedicated prosecutors. Fast-tracking proceedings not only expedites relief but also prevents witness intimidation and legal fatigue among victims¹⁵.

3. Public Awareness

Legal literacy in SC/ST-majority areas is essential. Many victims are unaware of their rights, the remedies under the PoA Act, or how to access legal aid. Regular campaigns using vernacular media, street plays, and community outreach must be launched, especially in rural and semi-urban regions¹⁶.

4. Strict Review Mechanism

Quarterly reviews should be institutionalised at both state and district levels, headed by the Home Secretary and Director Generals of Police (DGPs). These reviews must audit the

¹³ Suryakant Waghmore and Anand Teltumbde (eds), *Caste Matters: Contemporary Perspectives on Caste in India* (Orient BlackSwan 2021) 142–145.

¹⁴ National Dalit Movement for Justice (NDMJ), *Status of Implementation of the PoA Act in States, 2022*, NDMJ Documentation Unit.

¹⁵ Amnesty International India, *Justice Delayed: Caste Atrocity Cases in Indian Courts*, Research Report (2020).

¹⁶ Centre for Social Equity and Inclusion, *Legal Literacy and Access to Justice for Marginalized Communities* (2021).

progress of investigations, prosecutions, and compensation disbursals. Non-compliance should attract disciplinary consequences.¹⁷.

5. Victim Protection and Compensation

Protection must begin the moment a complaint is filed. Immediate steps should include relocation if needed, police security, legal aid, and medical care. Financial compensation—both interim and final—must be processed within 30 days of reporting, as prescribed under the PoA Rules (amended in 2016 and 2018).

Conclusion

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** (PoA Act) stands as one of India's most robust legislative measures aimed at combating caste-based discrimination and violence. However, the promise of legal protection often collapses under the weight of poor enforcement. The judiciary has at times attempted to interpret the law progressively, yet it also occasionally tempers the law's teeth in the name of safeguarding against misuse. For instance, the *Subhash Kashinath Mahajan* judgment in 2018 diluted arrest provisions, drawing sharp backlash and necessitating legislative correction. Implementation challenges are compounded by systemic inertia. Police often delay filing First Information Reports (FIRs), fail to arrest accused individuals, and sometimes even collude with dominant caste perpetrators.¹⁸. Administrative sluggishness and weak political will mean that special courts are under-resourced, public prosecutors lack specialisation, and state governments routinely fail to file annual reports as mandated under the Act.¹⁹.

Perhaps most damning is the low conviction rate hovering around 20%, despite rising reported cases.²⁰. This erodes victims' faith in the system, especially when they risk social ostracism, physical violence, or economic boycott for filing complaints. In essence, the PoA Act reveals a disjunction between constitutional ideals and everyday caste realities. Unless backed by real accountability, the statute risks becoming largely symbolic is an impressive legal text with little

¹⁷ Ministry of Home Affairs, *Guidelines for Monitoring Atrocity Cases*, Circular No. MHA/SCST-Review/2019.

¹⁸ Human Rights Watch, *Broken System: Dysfunction, Abuse and Impunity in the Indian Police* (HRW 2009) <https://www.hrw.org/report/2009/08/04/broken-system/dysfunction-abuse-and-impunity-indian-police> accessed 3 June 2025.

¹⁹ Ministry of Social Justice and Empowerment, *Annual Report on the SC/ST (Prevention of Atrocities) Act, 2021*, Government of India.

²⁰ National Crime Records Bureau, *Crime in India 2023*, Chapter on Crimes Against SCs and STs <https://ncrb.gov.in/en/crime-india> accessed 3 June 2025.

transformative power on the ground. Institutional inertia and societal resistance must be met with determined, structured state intervention.

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