CHAPTER - II
ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES

Caste system, a system of social stratification in ancient India still continues to afflict the present day India society. The ancient India society was not only stratified but also fossilized into different Varnas and Jatis, which were determined by the accident of birth.\(^1\) The Scheduled Castes and Scheduled Tribes, the so called untouchables were emerging out of the rigid caste classification that characterized the India society. In India, the Scheduled Castes members are also referred to as "Dalits". According to the Hindus religious belief, “All human beings are not born equal”\(^2\). This automatically creates caste-based discrimination. As a result the Scheduled Castes and Scheduled Tribes are open to various forms of atrocities committed against them.

The members of Scheduled Tribes and Scheduled Tribes were considered as lesser human beings and therefore were denied the right to be human. They were the recipients of severe social disabilities, slavery and indignities. The Constitutional framers of our Constitution were well aware of the discrimination faced by the Scheduled Castes and Scheduled Tribes so they provided fundamental rights coupled with positive discrimination to lessen and eliminate all kinds of discrimination against the Scheduled Castes and Scheduled Tribes. In addition to that protective legislations have been enacted to eradicate social prejudice and atrocities against Scheduled Castes and Scheduled Tribes. Despite the Constitutional protection and benefits in form of equal rights and affirmative action and the protective laws

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enacted for the protection and upliftment of Scheduled Castes and Scheduled Tribes, the caste based discrimination is still persisting and the Scheduled Castes and Scheduled Tribes are frequently being made targets of physical and sexual violence. Atrocities are day to day phenomena and Scheduled Castes and Scheduled Tribes are facing indignities and discrimination due to various historical, social and economic reasons.³

Even though Article 17 of the Indian Constitution provides for the abolition of untouchability, despite the constitutional declaration of its abolition, it persists in many subtle and not so subtle ways. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and The Protection of Civil Rights Act, 1955, was enacted by Government to prevent the atrocities against Scheduled Castes and Scheduled Tribes but the incidents of atrocities committed against Scheduled Caste in Uttar Pradesh, Rajasthan, Punjab and different parts of our country shows that the above said Acts are not implemented effectively.

The Hindu hierarchical society is dominated by purity-pollution, ranking the Brahmins on top and untouchables at the bottom. This system was based on exploitation and discrimination.⁴ The higher caste the higher was its class, power and position in society. It was representing the self centered Brahminical ideology. The Lack of wealth, education and power made the untouchables vulnerable to oppression. Even today a majority of Scheduled Castes, i.e., 63.11 percent are landless agricultural labourers, thus implying that even now they are exploited and discriminated based on caste system. For example, a nine-year old Scheduled Caste boy is blinded for touching “galla”. The boy Sanjay Dangia in Dhandhuka happened to touch the “paan ka galla” of a local panwalla, where he watched TV daily. The

panwalla threw lime into his left eye, blinding him perhaps for life.\textsuperscript{5} 

Ms. Manikam a Scheduled Castes student was expelled from the Government school because she dared to protest against her school headmaster for abusing her by calling her name using an abusive caste term.\textsuperscript{6} According to National Crime Bureau Report, 2006, 27027 crimes have been committed against the Scheduled Castes and Scheduled Tribes. According to the report, every week, 13 Scheduled Castes and Scheduled Tribes are murdered, 6 kidnapped and everyday 6 Scheduled Castes and Scheduled Tribes women are raped by the Upper Castes.\textsuperscript{7}

According to Buta Singh (commission of Scheduled Castes and Scheduled Tribes) crimes committed against the Scheduled Castes and Scheduled Tribes have increased by ten times. According to the above statement, these records are only those which are registered in the police station, but there are many more cases which are unregistered cases.

According to the 3\textsuperscript{rd} and the 6\textsuperscript{th} report of the commission of Scheduled Castes and Scheduled Tribes, 1996, in cases of Scheduled Castes and Scheduled Tribes crimes, 85\% persons are acquitted. In Assam, Gujarat, Kerala, Maharashtra, Orrissa, Rajasthan, Uttranchal, Karnataka and Haryana, 97\% persons are acquitted. In 2005, in Maharashtra 83\% crimes are registered but 6.3\% persons were convicted for crime. Besides this, in Gujarat, 2005, 1301 cases are registered but only 3.8\% persons were convicted.\textsuperscript{8}

2.1 Meaning of the Atrocities

The term atrocity has not been defined in law. However, atrocity has been made punishable under the Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. The word atrocity is being used in India in connection with Scheduled Castes and Scheduled Tribes.\textsuperscript{5}

\textsuperscript{5} The Times of India, 18\textsuperscript{th} June, 1998.
\textsuperscript{6} The Times of India 9\textsuperscript{th} Oct., 1994.
\textsuperscript{7} Rozana Spoksmen, 19\textsuperscript{th} August 2009.
\textsuperscript{8} Ibid.
Castes and Scheduled Tribes who are subjected to violence and brutalities by any person who is not a member of a Scheduled Castes and Scheduled Tribes.⁹

The phenomenon of atrocities is generally understood in terms of physical violence committed by a person or group or community against the other person or group or community. This involves arson, looting, usurpation, appropriation, killing etc. This interpretation of atrocities is partial as it does not take into cognizance the other convert forms like of atrocities the mental agony undergone through abusing, humiliating, calling name by caste, taunting and making disparaging remarks against a person or group of community. In fact, both these forms of atrocities are distinctively visible in case of atrocities inflicted on Scheduled Castes. Thus, the phenomenon of atrocities has a wide perspective ranging from subtle discrimination to the physical violence committed by caste Hindus and others against Scheduled Castes both in rural and urban areas.¹⁰

2.2 TYPES OF ATROCITIES

There has been a phenomenal increase in the number and intensity of the cases of atrocities meted out to the Scheduled Castes and Scheduled Tribes in particular over the last few decades in our country. Abuses committed against Scheduled Castes and Scheduled Tribes are numerous and have taken many different forms, they include (but are not limited to):

a) Social discrimination
b) Beating, slashing and other forms of torture
c) Arson-the burning of Scheduled Castes and Scheduled Tribes communities and their homes
d) Violence against women
e) Bonded labour

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⁹ R.K. Bolothia v. Union of India, 1994 Cri LJ 2668(MP)
f) Denial of rights, especially land rights

g) Police abuses against Scheduled Castes and Scheduled Tribes and custodial abuse

2.3 Caste Disability and Its Consequences

The caste system has resulted into many disabilities which have further resulted into many social consequences. The ban on inter-dining and the rule of endogamy made the caste system rigid and there were no possibilities of a Shudra to become a priest. The Shudras were denied the sacred twice-born ceremony (Upnayana Samskara); they were not allowed to entry into the temples. They were not allowed to acquire knowledge and it was considered a sin and crime to give them education. They could not even hear and recite the verses and mantras of the religious texts. The denial of education resulted into illiteracy, which in turn resulted in educational backwardness. The Shudras were not allowed to accompany the dwija and even a single look to untouchable to the Brahmin was considered polluting the Brahmin, and Brahmin had to purify himself by looking at the sun. So, the untouchables were ex-communicated from the rest of the society. This ex-communication and social ostracism promoted the practice of untouchability, which resulted in further social backwardness.\textsuperscript{11}

Shudras were not allowed to own property and they were not to hold a position under the State. The denial of property to the dalits made them poor and dependent on others thus which resulted in their economic backwardness.\textsuperscript{12}

The social identity of the Scheduled Castes and Scheduled Tribes was highlighted by the fact that they were generally required to live at a distance from the main village settlement.\textsuperscript{13} In other words,

\textsuperscript{12} Ibid.
\textsuperscript{13} Ibid., p. 90.
we can say that the position and status of Scheduled Caste and Scheduled Tribes was quite miserable. They were treated as untouchables. Untouchability was practiced among the Hindu Brahmins. It was so widespread that these classes were not allowed either to sit along with an upper caste Hindu or to dine with them or to enter the place of worship. Whenever a member of Scheduled Castes and Scheduled Tribes community was offered a cup of tea, it was only served in glass or container especially kept for them in a place somewhere outside their residence. It is undoubtedly true that even now there are a few isolated areas where the old disabilities are still in force, as for instance, where, “the Scheduled Castes and Scheduled Tribes are not allowed to wear dhoti below the knees and a scheduled caste bridegroom cannot put on a turban with turra”14

The position of Scheduled Castes and Scheduled Tribes was highlighted by Dr. Ambedkar. An extract from Dr. Ambedkar’s speech may be befittingly quoted here:

“We are human beings like all others. And yet we have to exist like animals. This is shame. You are Hindus but you cannot take water from the village well, you cannot enter a temple to worship God, you cannot walk upright in the town. Dogs, cats and mice can enter the temples but if we enter then God is polluted! So if you want to live as human beings, you must not suffer any injustice in future. Give up eating the flesh and dead animals, wear clean clothes, and send your children to schools. Do not retreats under any circumstances unite and fight. I am with you and shall always remain with you. Suffering, more and relentless struggle, that is our path to salvation.”15

The Scheduled Castes and Scheduled Tribes were identified largely on the basic of their social and economic disabilities. As Dr. B.R. Ambedkar remarked that:

“On the social plane, we have in India a society based on the principles of graded inequality which means elevation of some and degradation of others, one the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must see this contradiction at the earliest possible moment or else those who suffer from inequality will blow up to the structure of political democracy.”\textsuperscript{16}

Smita Narula is a professor of law at New York and co-author of a report called \textit{Hidden Apartheid: Caste Discrimination against India’s Untouchables (Scheduled Castes and Scheduled Tribes)}. She says the Dalits (know it is called Scheduled Castes and Scheduled Tribes) are the most vulnerable and exploited people in India. She observed that:

“We are talking over 167 million people in the country. The majority of whom live in segregation and experience violence, murder, rape and atrocities to the scale of 110,000 registered case a year according to 2005 statistics.”\textsuperscript{17}

Ruth Manorama is the President of the National Federation of Dalit Women in India. She told the Committee about the prejudice the Dalits (Scheduled Castes and Scheduled Tribes) faced. She said:

“Formerly we have been called untouchables. If somebody touches us, they get polluted. They cannot fetch water from the common wells from the common task. If there is a restaurant in the rural villages, they cannot ordinarily go and have a cup of tea in the same cup others drink. They will have a separate class system. If they want to go to the temples, they are not allowed to enter and for worship in the temple. And, anything menial, anything devalued, anything nonpayment, anything bonded labourers – most of them are

\textsuperscript{16} \textit{Ibid.}

\textsuperscript{17} www.voanews.com/content, visited on 27\textsuperscript{th} October 2010.
from the *Dalit* (Scheduled Castes and Scheduled Tribes) communities that have been assigned to *Dalits*.\(^{18}\)

### 2.4 CAUSES OF ATROCITIES

There are so many reasons for atrocities committed against the Scheduled Castes and Scheduled Tribes which are given as under:

#### 2.4.1 Caste Hatred and Untouchability

The age-old caste hatred and the practice of untouchability are at the root of the atrocities against Scheduled Castes and Scheduled Tribes. The internalization of their suppression by the Scheduled Castes and Scheduled Tribes is one of the reasons due to which incidents of atrocities go unreported. Even when they try to raise their voice against the prejudices and derogatory treatment meted out to them, their voices are pressed either through the mighty caste Hindu or by the State instrumentalities by their positive action against them or by inaction and collusion with the caste Hindus. In February, 2006, in Mahmadpur (Haryana), at the instigation of a Rode (an upper caste) Sarpanch, 30 dalits were seriously injured because the Scheduled Castes were trying to take out a procession on the eve of *Ravidas Jayanti*.\(^{19}\) So this indicates the caste hatred and intolerance prevalent among caste Hindus which ultimately results in atrocities.

#### 2.4.2 Illiteracy and Poverty

Illiteracy among Scheduled Castes and Scheduled Tribes makes them unaware of their rights. Due to unawareness they are unable to approach the appropriate forum for the protection and enforcement of their rights. This actively encourages atrocities to go on as before. Even if Scheduled Castes and Scheduled Tribes have such awareness, they do not have adequate resources to have their rights and get


remedy. Abject poverty makes them dependent on the upper caste people in matters of livelihood and work. Whenever they get some land from the state it also makes them vulnerable to atrocities as the upper castes people do not take it very kindly. The instances are not uncommon where the upper caste people have even tried to seize the land allotted to the Scheduled Castes by the Government. Economic dependence on the upper caste and their backwardness and unawareness are also among the causes of infliction of atrocities on them. In September 2006, in Maharashtra’s Bhandara district’s village Khirlanji, the upper caste people killed four members of a Scheduled Castes family who were resisting land appropriation.20

2.4.3 Self – Assertion by the Scheduled Castes

Due to the awareness created among the Scheduled Castes by education, whenever they try to get their rights, such an assertion is crushed out with the might of the upper castes and results in atrocities. This is so because such an assertion of rights runs counter to the dominance of the upper castes in the society. On December 25, 1968 as many as 42 Scheduled Castes were burnt to death when upper caste hooligans locked them up in a hut and set it on fire in Kilvenmani in Tamil Nadu’s Tanjavur district. This was after the dalit (Scheduled Castes and Scheduled Tribes) agricultural labourers had decided to protest against low wages and had started getting organized.21

2.4.4 Lack of political will and State complicity

State complicity is also a reason for the increasing atrocities on Scheduled Castes and Scheduled Tribes because the persons in power belong to upper castes who do not take keen interest in preventing atrocities on Scheduled Castes and Scheduled Tribes rather connive

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21 Ibid.
with the perpetrators of atrocities. Though the State has played an important role in protecting the rights of Scheduled Castes and Scheduled Tribes still the state’s complicity with upper castes especially in the case of the police shows the acquiescence of the state as a whole.22

2.4.5 Police and Scheduled Castes and Scheduled Tribes

The police have the responsibility to protect all the people being an instrument of the State. But the police do not to protect the Scheduled Castes and Scheduled Tribes rather in many cases it perpetuates violations of human rights of Scheduled Castes and Scheduled Tribes by allowing themselves to be prejudiced by the prevailing own caste biases in the society. Corruption and biases mark the ground reality of police activity.23 Under reporting of cases is a very common phenomenon. An NGO in Gujarat, in a study covered 11 atrocities-prone districts for four years, showed that 36% of atrocities law, and in 84.4% of the cases where provisions of Act were invoked, the cases were registered under wrong provisions with a view to conceal actual and violent nature of the incidents.24

The National Human Rights Commission (NHRC) in its report stated that “police resort to various machinations to discourage Scheduled Castes and Scheduled Tribes from registering cases, to dilute the seriousness of the violence, to shield the accused persons from arrest and prosecution and, in some cases, the police themselves inflict violence”.25 Cases are not registered despite merit, and if registered then charge sheets are invariably filed late. Police collusion with offenders, manipulation of evidence and intimidation of witnesses, filing of counter cases against the Scheduled Castes on false grounds and investigation by inappropriate authority resulting in

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22 Ibid.
24 Ibid.
25 Ibid.
The police also inflict atrocities on Scheduled Castes and Scheduled Tribes. The Ramabai killing reflects the police atrocities on Scheduled Castes. Ten peoples were killed in police firing in Ramabai colony in Bombay on July 11, 1997 as they were protesting against the desecration of the statue of Dr. Ambedkar. M.Y. Kadam (sub-inspector) who had a number of atrocities cases pending against him, ordered open firing on the protestors without making any effort to disperse the crowd. Most of the victims were shot above the waist. After the incident, the members of the Scheduled Castes community were refused to lodge any complaint.26

The above incident highlights the fact of prevalence of ill-will against the Scheduled Castes, efforts to hurt the feelings of the Scheduled Castes, arbitrary police actions and caste affiliations undermining and hampering the effectiveness of the anti-atrocities law and thereby endangering the rights of the Scheduled Castes.

The Police practice of raiding the *dalits* (Scheduled Castes and Scheduled Tribes) villages in Bihar to search out naxalite militants and falsely arresting the accused of harboring the naxalites is also common place. Human rights watch describes the “pattern” of raid conducted by the police in Bihar:

“The pattern of raids consisted of arbitrary arrests and assaults on dalit men and women and often included rooting and destruction of property. In some case, police remove their badge numbers so villagers would not be able to identify and file cases against them. Studies conducted by the Tamil Nadu Commission for Scheduled Castes and Scheduled Tribes in various Southern district villages concluded that attacks on these (dalits) villages were motivated by a desire to cripple dalits economically by targeting obvious symbols of new found wealth”.27

27 Ibid.
The incidents of atrocities highlights the fact of prevalence of ill-will against the Scheduled Castes, efforts to hurt the feelings of the Scheduled Castes, arbitrary police actions and caste affiliations undermining and hampering the effectiveness of the anti-atrocities law and thereby endangering the rights of the Scheduled Castes. In Moga district, ASI Gurmail Singh was suspended for adopting insensitive attitude towards the case of minor *dalit* girl who was sexually abused and made pregnant by influential families’ wards at Ramuwala Khan Village in Moga district. The police added the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the FIR which was registered against six youth under sections 376 and 506 of IPC.28

So it is disgusting that the protector of law, who are entrusted with the duty to protect and safeguard the Scheduled Castes, commits atrocities on them.

2.4.6 Lack of Uniformity in Scheduled Castes and Scheduled Tribes

The Scheduled Castes and Scheduled Tribes are not a homogeneous category. They are divided into numerous castes and sub-caste with their closely observed internal social hierarchies and incoherence. The “emergence of Scheduled Castes” inequalities have become a new stratification problem, and this has accentuated class distinction within the Scheduled Castes. This phenomenon would give a setback to unity, mobilization and movement among the Scheduled Castes people.

2.5 THE URGE FOR DEVELOPMENT AND PROTEST

Neither the urge of Scheduled Castes for acquiring social development nor their protests to this end or for countering atrocities inflicted on them are synchronically uniform and equally forceful in all parts of the country; they vary from situation to situation, community

to community and from their different socio-economic positions in a
given period of time. Certain castes in Scheduled Castes itself have
more urge for development than others in the country. For instance,
the *Mahars* in Maharashtra, *Chamars* in Uttar Pradesh and Bihar etc.
are more socially and politically conscious and capable of articulating
various social problems.

2.6 ATROCITIES ON SCHEDULED CASTES AND SCHEDULED
TRIBES AND HUMAN RIGHTS

Despite the legal safeguard provided for the protection of the
Scheduled Castes from caste based atrocities and discrimination, the
atrocities on Scheduled Castes and Scheduled Tribes are not coming
to end and Scheduled Castes and Scheduled Tribes are still subjected
to various forms of atrocities in different parts of the country. The
Constitution of India aimed at constructing an egalitarian social order
free from all caste based prejudices but Dr. B.R. Ambedkar, while
speaking on the eve of the moving of the draft constitution in 1949,
showed his non-challengeable fear regarding the existing inequalities
in the Indian society while he observed that:

“On 26th January 1950, we are going to enter into a life of
contradictions. In politics we will have equality and in the social and
economic life we will have inequality. In politics we will be recognizing
the principle of one man, one vote and one vote, one value. In our
social and economic life, we shall, by reason of our social and
economic structure, continue to deny the principle of one man, one
value.”

The words of Dr. Ambedkar seem to become true as even after
the 60 years of independence the *dalits* (Scheduled Castes and
Scheduled Tribes) are denied their social and economic rights and
they are being subjected to various types of atrocities. The anti-
atrocities law has not been fully successful in preventing the incidents

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of atrocities on Scheduled Castes and Scheduled Tribes due to its under and non enforcement. The cases of atrocities are reported in increasing numbers throughout the country and many a times they go unreported because of the reluctance of the Scheduled Castes and distrust in police. Due to the ineffective implementation of the anti-atrocities law and lack of strong will on part of the state to prevent the atrocities, the crimes or atrocities against the scheduled are still persisting.

In 2003, a 38 years old woman was allegedly forced to drink excreta mixed with water in front of her husband and children after she spurned the advances of an upper caste man in Thirunanaglam block of Madurai district. On December 1, 1997 armed Ranvir Sena activists entered a 14 dalit (Scheduled Castes and Scheduled Tribes) homes in Laxmanpur-Bathe village in Bihar and killed a total of sixty-one people, sixteen children, twenty-seven women and eighteen men. In some families, three generations were killed. The main reason for the attack was that the Bhumihars wanted to seize fifty acres of land that had been earmarked for distribution among the landless labourers of the village. The authorities apparently knew of the tensions but had not cared to intervene in the land dispute and nip the trouble in the bud and instead allowed things to come to head. In August, 2005, in Gohana (Haryana), 20 dalit (Scheduled Castes and Scheduled Tribes) homes were torched by the upper caste on a decision taken at a meeting of a khap panchayat to teach a lesson to the dalits (Scheduled Castes and Scheduled Tribes) in retaliation to the alleged killing of one upper caste member, Baljit Siwach, by the dalit (Scheduled Castes and Scheduled Tribes) community people.

It is a shameful situation that the protector of the law, who are entrusted with the duty to protect and safeguard the Scheduled

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30 Indian Express, 30th September, 2003.
31 The Hindu, 14th December, 1997.
Castes, commits atrocities on them. The state complicity and lack of political will on part of the state has turned the anti-atrocities law ineffective and reduced it to a paper tiger.

According to the 4th National Commission for Scheduled Castes and Scheduled Tribes report, due to the lack of representation of *dalit* (Scheduled Castes and Scheduled Tribes) community, the *dalit* (Scheduled Castes and Scheduled Tribes) did not get justice from court. For example in 1984, in all High Courts of India, there was only one judge Scheduled Castes and Scheduled Tribes out of 255 judges and only 25 Scheduled Castes employees in out of 625 employees. The point to be noted is that Brahmins who constitute 3% population in India, but they have occupied 78% posts in courts.³³

### 2.7 INCIDENTS OF ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES

Incidents of atrocities committed against Scheduled Castes and Scheduled Tribes are given as under, which shows that even after the Constitution prohibited untouchability under Article 17, untouchability is still practice in our country. Some incidents of atrocities against Scheduled Castes and Scheduled Tribes are given as under:

#### 2.7.1 Scheduled Castes Judge Moves Supreme Court Over Courtroom Purification

A Scheduled Castes judge in Allahabad, in state of U.P. has appealed in the Supreme Court against his compulsory retirement in the aftermath of an incident in which his courtroom was washed with “Ganga Jal” by his “upper” caste successor. The incident took place in Allahabad when Bharthari Prasad, then additional session judge, was transferred to another court and replaced by A.K. Srivastava in 1998. Srivastava had got the entire chamber and its furniture washed with Ganga jal because it was previously occupied by a judicial officer

belonging to a Scheduled Castes.\textsuperscript{34}

\textbf{2.7.2 Scheduled Castes Boy Beaten to Death for Plucking Flowers}

In Bareilly a teenaged Scheduled Castes boy was allegedly beaten to death by the Nagar Panchayat president of Fateh Ganj for plucking some flowers from his garden. The boy and his brother were plucking flowers from the garden of Shabbier Ahmed when he caught both of them and one of the boys was beaten to death while the other managed to escape.\textsuperscript{35}

\textbf{2.7.3 Refusal of Registration of Cases Committed Against Scheduled Caste and Schedule Tribes}

The police resort to various machination to discourage Schedule Castes and Scheduled Tribes persons from registering their cases, to dilute the seriousness of the violence, to shield the accused person from arrests and prosecution.\textsuperscript{36} The incident had happened in Rajnai Village in Beed district on August 23, 2007, a 15-year-old Scheduled Caste girl was kidnapped and gang raped by three men, one of whom is believed to be a Hindu priest. She was left at a bus stand by her assailants. The family fields an FIR but the police initially refused to register, a case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. The main accused has not been arrested and the family is under pressure to withdraw the case. As in most states, the rate of registration of crimes against \textit{dalits} (Scheduled Castes and Scheduled Tribes) in Rajasthan is not very high. All ruling parties have done little to remedy.\textsuperscript{37}

\textbf{2.7.4 Marriage Processions}

Today, in many parts of our country, Scheduled Castes and Scheduled Tribes bridegroom cannot pass in the streets of the village. According to a survey more than 47\% Scheduled Castes and

\textsuperscript{34} The Times of India, 5\textsuperscript{th} August 2000.
\textsuperscript{35} The Indian Express, 4\textsuperscript{th} August 2000.
\textsuperscript{36} National Human Right Commission Report, 2002.
\textsuperscript{37} Lyla Davadam, “Unwilling to Act”, Frontline, Vol. 26, 4\textsuperscript{th} December (2009)9.
Scheduled Tribes barats are prohibited to enter the villages. As per the survey’s report, in district Alwar (Rajasthan) there were no marriage ceremonies performed by the Scheduled Castes and Scheduled Tribes due to prohibition by Hindu Upper Caste members.

To humiliate the Scheduled Castes and Scheduled Tribes, as per the survey report in 8.4% villages the permission of solemnization of the barats are sought from the Hindu castes and in another 10% villages provides the rules, according to which it is compulsory for Scheduled Castes and Scheduled Tribes to get blessing before performing the marriage from upper caste.\textsuperscript{38} There is a strict prohibition on marriage and other social interaction between \textit{dalits} (Scheduled Castes and Scheduled Tribes) and non-\textit{dalits}. It violates the rights of \textit{dalits} (Scheduled Castes and Scheduled Tribes) to marry and choose their spouses. Inter-caste marriages imposed are frequently extra-judicially punished by public lynching, murder, rape, beating and other sanctions imposed against the couple and their relatives. In one of the worst examples of this, on August 6, 2001, in Uttar Pradesh an upper caste boy and a lower caste girl were publicly hanged by members of their of own families for refusing to end an inter-caste relationship.\textsuperscript{39}

The atrocities seem peculiarly rooted in another era. There are a number of violent incidents arising from wedding processions being taken out by Scheduled Castes and Scheduled Tribes. Violence has broken out in response to the assumption by Scheduled Castes and Scheduled Tribes of traditions previously monopolized by the caste Hindus, including the groom’s riding of a white horse or being borne in a palanquin during the wedding processions. The most serious report of this kind comes from the mountainous Almora district of Uttar Pradesh where incidents in which fourteen untouchables were killed in May 1980.\textsuperscript{40} The dispute began when caste Hindus

\textsuperscript{38} \textit{Rozana Spokesman}, 19\textsuperscript{th} August, 2009.
\textsuperscript{39} \textit{http: infochangindia.org}, visited on 9\textsuperscript{th} March 2009.
\textsuperscript{40} Scheduled Castes and Scheduled Tribes Commissioner’ Report, (1979)361.
demanded that the groom dismount from the palanquin at the entrance to village which lay on the path to the marriage party’s destination. This was required, the caste Hindu said, to show reverence to the deity located in a temple at the other end of the village.

The commission investigation was unable to make a conclusive determination between the rival accounts of the village tradition. It was asserted by the untouchables that they were being discriminated for being Scheduled Castes and Scheduled Tribes and that there was no general policy that required the groom to dismount outside the village as opposed to in the immediate vicinity of the temple. They said they had every intention to dismount and offer prayer to the deity at the appropriate point in the procession. The alternative view from the caste Hindu side was that everyone, and not merely untouchables, was obliged to dismount from a palanquin at the entrance to the village.41

Riding a mare in a wedding procession still proves to be a nightmare for many dalit (Scheduled Castes and Scheduled Tribes) bridegrooms in Rajasthan. A dalit (Scheduled Castes) bridegroom was reportedly dismounted from the mare and stones were thrown at the ‘baaratis’ injuring four of them at Sardada village of Deoli tehsil in Tonk district in Rajasthan on 22nd April 2000. When a ‘baarat’ of a Bairwa bridegroom arrived at Sardada, about 10 people belonging to the upper castes misbehaved with the ‘baaratis’ who resisted the attempt to upstage the bridegroom. Later when the bridegroom was taken to the village temple, his entry was prohibited. When the ‘baaratis’ resisted again, stones were thrown at them by same people. This is the second incident in three days when a dalit (Scheduled Castes) bridegroom has been restricted from performing the wedding ceremonies the way upper castes do. Two Meghwal bridegrooms suffered the same fate in Taleda town of Kota district. The people of

41 Ibid.
Kachhi Mali caste did not let the bridegrooms perform the ‘toran’ ceremony and got them off from the mare.42

The same incident had happened in Samsia village in Rajasthan, on 19th May 2006, Mangilal Nayak was beaten up by upper caste people when his grandson rode a horse in his marriage procession. 43

In villages, Panchayats are dominated by Upper castes, who punish the dalit (Scheduled Castes and Scheduled Tribes) for performing inter-caste marriage and publicly cut their organs and even murder their relatives and also rape their women and impose other penalties upon them. In May 2000, in district Hardoe, one cou police constable murdered four relatives of dalit (Scheduled Caste) boy because her daughter married that dalit boy.44

In other incident, on 6th August 2001, one married couple murdered by the upper castes because the boy belonged to high caste (Brahmins) and the girl belonged to lower caste.45

2.7.5 Scheduled Castes Teenager Dies after Hospital Refuse Treatment

On October 30, 2009 in Lucknow a dalit (Scheduled Caste) teenager in Uttar Pradesh died after a Government-run hospital allegedly refused to admit him. Anil Kumar, 18 years, who had suffered burn injuries after being electrocuted was reportedly denied treatment by the doctor in hospital in Harirpur district. The kin of the deceased alleged that the doctors asked them to take away Kumar, as the hospital was not meant for treating “lower caste” patients.46

2.7.6 Scheduled Castes Woman Dies After Being Denied Proper Medical Attention

In Lucknow, on 30th October 2009, caste discrimination

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45 Ibid.
allegedly claimed the life of a young dalit (Scheduled Caste) woman, who died after delivering a stillborn child as the staff of a government-run medical centre in Uttar Pradesh refused to attend to her.47

2.7.7 Removal of Dead Cattle

On the first occasion the commissioner of Scheduled Castes and Scheduled Tribes discussed “complaints”, he reported that ‘Harijan’ family was harassed and beaten because of ‘their refusal to lift the dead cattle’.48 The Raegar (closely related to Chamars) refused to remove a fallen buffalo in 1952, in conformity with a decision of his caste fellows in the village and in the wider Jaipur region. This provoked a major crisis for the Rajput landholders of the village, and they gave a heavy beating to the dissenting Raegar. He was forced to resume his traditional duty, and it was not until a couple of years later that the Raegars of the village managed to make their ban stick.49

2.7.8 Access to Water

The question of access to water for the untouchables continues to be a source of discord and sometimes violent conflict. The commissioner reported a case from Gujarat in 1974 which involved the murder of two untouchables and the injury of a number of others.50 Water had dried up in the wells used by the untouchables, so they had to take recourse to the common wells of the village. The Patels, the dominant landholders of the villager, objected to this. The dalits (Scheduled Castes) approached the authorities for assistance, and the police duly registered a case under the “Untouchability Offences Act 1955.”51

On August 31st 2009, in Gariyan village in Chitrakoot district in

47 Ibid.
50 Scheduled Castes and Scheduled Tribes commissioner’s Report, (1973)186.
51 Ibid.
the State of U.P., a group of *dalit* (Scheduled Castes), facing water problem had gone to use the well and hand pump installed in another village. A group of *dalits* (Scheduled Castes) belonging to Gariyan village in Chitrakoot district, some 280 Km from Lucknow, alleged that they were assaulted and driven away by members of the upper caste community when they went to the adjoining Sagwara Village to get water from well and hand pumps. The *dalit* woman (Shivpatia) alleged that:

“We were beaten with sticks and were directed by upper caste community members not to use wells and hand pumps of the Sagwara village.”

### 2.7.9 Assault and Humiliation

There is an incident of brutal attack on a *dalit* in Mansa, district of Punjab. On January 7, 2006, Bant Singh, a resident of Jhabbar in the southern Punjab district of Mansa, was surrounded by a group of Jat youths from the same village. The upper-caste men brutally beat him with iron rods. Three days later, after gangrene set in the doctors amputated his limbs. The victim alleged that this was in retaliation to his actively working to secure justice for his daughter, Baljeet Kaur who was gang raped by upper caste members of his village in Punjab in 2001. Seven people have been arrested for the attack on Bant Singh. Two of them are the sons of the village sarpanch, Jaswant Singh. Another two are the sons of Amreek Singh. Amreek Singh is also related to Mandher Singh, one of the men convicted in 2004 for the rape of Baljeet Kaur. It is clear that rape case of Baljeet Kaur and the attack on Bant Singh are in fact closely related. Ever since Mandhar Singh filed an appeal against conviction in the Punjab & Haryana High Court, Baljeet Kaur has been placed under intense pressure to retract her initial statement. She was minor at the time,

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53 Ibid.
studying in the 9th standard.

The incident of humiliation happened in Bhakhriryla village in State of Punjab. On 12th March 2009, the dalits of this village were insulted by the head of Dera of that village by pointing out their own caste. He said that Chamar and Mahzbi should be sit separately from upper caste people and when questioned, he said, it is our meriada.55

In the village Sandhoree Majra on 7th March 2009 in State of Punjab, Persons belonging to dalits community gave a written application to S.D.M. in which they complained of an insult by people of upper caste people (namely Jats). According to the application, a loud speaker of Gurdwara was stolen in this village and upper caste people of this village made thorough search of houses of dalits (Scheduled Castes) because they alleged that the loud speaker of Gurdwara was stolen by dalits.56

The other incident happened in Delhi University where a dalit student was beaten up mercilessly by his upper caste name hostel mates on 10th September 2001. Rajesh Kumar, Dalit (Scheduled Castes) who drank water from a tap, while his upper caste hostel mates instructed him not to do so. Rajesh Kumar alleged that:

“I felt thirsty and came down to drink water. They called me a Chamar. They asked me where I was going. I asked them why they were talking to me like that. They tore my shirt apart and started beating me up. Then they pinned me against a wall and thrashed me.”57

In another case a lawyer was insulted by upper caste lawyer because upper caste lawyer had abused him by his caste name in Bassi Pathana village in Punjab.58 On the direction of Punjab State Commission for Scheduled Castes, the Bassi Panthana police has registered a case against a lawyer Vikas Sibbe of Bassi Pathana under

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55 Rozana Spokesman, 12th March 2009.
56 Rozana Spokesman, 7th July 2009.
Sections 391(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The commissioner received a complaint from Bhag Singh against Vikas lawyer that lawyer had abused him on caste basis on 16th August 2006 and harassed, victimized him because of his being belonging to the Scheduled Castes.

In Swaran Singh v. State through Standing Counsel & Another, the complainant is belonging to Scheduled castes community and he is called by his caste name i.e., Chamar by upper castes member with the intention to insult or humiliate him in place within public view is certainly offence under section 3(1)(x) and the court held that expression placed within public view which is used in section 3(1)(x) must not be confused with expression “public place”.

The dalit (Scheduled Castes and Schooled Tribes) are subjected to inhuman torture and degrading treatment. On 10 October 2005, the nose of Babulal Jatava, a dalit (Scheduled Castes and Scheduled Tribes), of Rampur village (State of Rajasthan) under Gandhi Bajna police station in Bharatpur district was allegedly punctured with a needle by Kalua Gujar and others belonging to powerful farming community.

Ajaib singh and his minor daughter of nearby Ageti Village (Punjab) started a dharna seeking registration of a case against villagers Mukhtiar Singh, Jangir Singh, Tara Singh and others for beating him and his family members on 4th September 2007. He said that his house was demolishing by upper castes. Ajab, who belongs to Bazigar community, claimed purchasing the land for Rs.60,000 from his brother Darshan on which he built the house. He claimed that after the Akali Government came to power, these persons from upper caste started harassing his family and on 4th September, 2007, he and

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60 Indian Human Rights Report, Rajasthan, 2006.
his family was beaten up. He alleged that police officer in the subdivision at that time even refused to listen to him allegedly under political pressure let alone register the complaint. Ajab said that the clothes of my daughters and wife were also torn. He said his house was also demolished and they took away all belongings, bricks, girders and other material used for the construction of the house.61

From time immemorial, Scheduled Castes and Scheduled Tribes have been deprived of their right to education and the right to possess land and other forms of property. Left with nothing but their physical labour to earn their livelihood, they have all along been forced to do the toughest and most menial jobs for survival. While untouchability is still rampant and is taking new forms, particularly in villages, the constitutional ban and the compulsion of modernity and development have to some extent blunted its rigour. Postmen have also been found to practice untouchability. Postmen did not deliver postal articles to dalit address (Scheduled Castes and Scheduled Tribes) in Mahurai district in Tamil Nandu. A study, conducted by the Tamil Nadu Untouchability Elimination Front, also identified certain road transport related violations of the law against untouchability.62

In many schools Scheduled Castes and Scheduled Tribes pupils were not allowed to share water with caste Hindus. To punish an erring or naughty Scheduled Castes and Scheduled Tribes boy, teachers were known to scold him calling him by his caste name. If the teacher decided that the boy needed a beating as punishment, the task was assigned to another Scheduled Castes and Scheduled Tribes boy. Above all, the study, conducted by Tamil Nadu untouchability elimination front, found a systematic refusal of admission to dalits (Scheduled Castes and Scheduled Tribes) in certain schools, particular at the plus two level.63

On April 24, 2002, in Bhaktakheda village in Unnao district

63 Ibid.
(U.P), several *dalit* (Scheduled Castes) women were assaulted and nearly all members of their village beaten up by upper caste landowners over a wage dispute in Uttar Pradesh. The *dalits* (Scheduled Castes) were refusing to work for wage of Rs.10 which is much below the daily wage fixed by the government, when they were brutally assaulted in Bhaktakheda village district of the State.\(^{64}\)

In Kokalpur village (district Kapurthala) a 55 year old (Yoginder Singh) farm labourer was allegedly beaten to death by a young landlord (Upper caste) over an attempt to steal vegetables from his farm.\(^{65}\)

### 2.7.10 The Tea Shop

There are widespread reports of untouchability continuing to be practiced in teashops in various parts of India; clearly this problem is more likely to occur in villages or small towns where the identity of customers will be known.\(^{66}\) In May 1980, one such case exploded into a major incident at the town of Hathras in the Aligarh district of Uttar Pradesh. Five young men from the Valmiki community ‘who happened to be under the influence of drinks” asked for lassi (buttermilk) at a tea stall in the town. As was apparently the custom in the shop, they were severed the drink in kullarhs or disposable earthenware pots. The men became angry at being served in this way and demanded that the drink be served in glasses. The issue quickly ignited into major confrontation involving supporter of the Valmikis and the caste Hindu shopkeeper. Before the issue died down three days later, there had been vigorous stone throwing with attendant injuries, the burning of tens of houses of the untouchables, strikes by Valmiki municipal sweepers and reciprocal hartals or closure of shops by caste Hindus. In the view of the investigation team sent out by the commissioner, the context of the incident was an Assembly election which inflamed a


\(^{65}\)The Hindustan Time, 6th September 2012.

pre-existing political conflict. The incident arose as a “result of pre-planned political maneuverings and to some extent infighting between two groups of a political party.’ Once the assembly elections were over, the caste tension started receding.\textsuperscript{67}

In another incident tea was being served in plastic disposable cups by a hotel owner in Pulikal village of Mahabubhagar district of A.P. at the advice of the local administration of Andhra Pradesh as solution.\textsuperscript{68}

### 2.7.11 Untouchability

Intolerance to Scheduled Castes and Scheduled Tribes resistance to the continuing practice of untouchability is seen in all sections of society. Caste Hindus of salarappatti village in Coimbatore district, Tamil Nadu, have let loose a reign of terror in the village. Thirteen Scheduled Castes and Scheduled Tribes including women and children were injured in a mob attack on Feb.18, 2008. It all started when the owners of some teashops objected to some Scheduled Castes and Scheduled Tribes, all from neighboring village, sitting on the benches in front of their shops and refused to serve them tea. The Scheduled Castes and Scheduled Tribes who had come there to attend a funeral were shocked to know that all the caste Hindus practiced untouchability openly by serving tea in disposable cups for Scheduled Castes and Scheduled Tribes and glass tumblers for others (the two-tumbler system, as it is known, is one of the numerous of practice despite the law banning it).

In another example of practice of untouchability, in the Tamil Nadu district, Salarappati, villagers told ‘Frontline’ magazine that caste Hindus in the village had decided on a social and economic boycott of Scheduled Castes and Scheduled Tribes. This brought severe hardships to \textit{dalits} (Scheduled Castes and Scheduled Tribes), most of whom are agricultural workers. A few were employed in textile

\textsuperscript{67} Scheduled Castes and Scheduled Tribes Commission Report, (1979)367.

\textsuperscript{68} The Hindu, 8\textsuperscript{th} May 1998.
and sugar factories in the region. Although most of the non-Scheduled Castes and Scheduled Tribes in the village were only agricultural workers, they could influence the non-Scheduled Castes and Scheduled Tribes landowners in neighboring villages to refuse work to Scheduled Castes and Scheduled Tribes of Salarappatti. Scheduled Castes and Scheduled Tribes were also denied services such as hair cuts and access to locate shops.69

Another example of the untouchability in the village of Salarappati is that on the evening of February 18 two Scheduled Castes and Scheduled Tribes youth were beaten up near a temple by a group of caste Hindus who said their presence near the temple raised suspicion. This was followed by the attack on dalit (Scheduled Caste) residents and their houses.70 R. Athiyaman, president, Tamil Nadu, Athi Thamizhar peravai, indentified three distinct features of the mob assault. For the first time women and children formed part of the caste Hindu attack force, women and children were among the victim; caste Hindu entered schools, pulled out Scheduled Castes and Scheduled Tribes pupils and beat them up.71

2.7.12 Wrongfully Dispossess from their Land
Seven decades after the Kisan Movement took root in India's soil and 60 years after Independence, “land for the tiller” the slogan of the leaders of the nationalist and left movements, remains, a dream for a large number of farmers, particularly Scheduled Castes and Scheduled Tribes. In the many parts of the country, neither the abolition of untouchability by the constitution nor legislation such as the stringent Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been also to do much to help Scheduled Castes and Scheduled Tribes fight discrimination and get their rightful share of land. Land as a prime asset and symbol of social and

70 Ibid, p.38
71 Ibid.
economic status in rural areas, remains one of the most relevant factors in atrocities against Scheduled Castes and Scheduled Tribes.

Caste-Hindu landowners are intolerant of Scheduled Castes and Scheduled Tribes acquiring land. Scheduled Castes and Scheduled Tribes inability to access land makes them socially and economically vulnerable. The dominant caste-Hindu group places cruel and illegal hurdles when Scheduled Castes and Scheduled Tribes attempt to take possession of the allotted land and begin cultivation. Soon frustrated, many dalits (Scheduled Castes and Scheduled Tribes) surrender the land and go back to their old masters as agricultural workers.

Ittikkal Agaram, about 15Km from Krishnagiri in Tamil Nadu, provides a classic example of this phenomena 30 Scheduled Castes and Scheduled Tribes families on August 4th resumed agriculture on land allotted to them, more than a year after they had stopped cultivation unable to bear the violent attacks and destruction of crops by upper castes.

At Ittikkal Agaram, caste Hindus have liberally used this weapon right from the day the govt. approved of the plea of 62 Scheduled Castes and Scheduled Tribes of the village for allotment of land and identified the land they could use for cultivation in 1976. The Oor panchayat disapproved of the land allotted and announced a boycott of the beneficiaries if they accepted it. When prospective Scheduled Castes and Scheduled Tribes landholders were warned of dire consequences, 40 among 62 declined to take possession of the land and offered their services as agricultural workers to their old masters. When the other 22 tried to cultivate the land allotted to them, caste-Hindu landholder’s musclemen physically prevented them and damaged their agricultural implements. Those who continued cultivation were ostracized. Their land was destroyed and crop damaged.72

The Scheduled Castes and Scheduled Tribes in Rajasthan

continue to be discriminated on the basis of their caste and were
dispossessed of their land. Land of Scheduled Castes and Scheduled
Tribes were illegally encroached upon and occupied by upper caste
people. In southern Rajasthan, agricultural land of Scheduled Castes
and Scheduled Tribes were either transferred to the influential people
of higher caste allegedly by subterfuge or declared as government
property by misusing the legal provision under the Rajasthan Tenancy
Act over the past two decades. A similar incident took place in
Sangrur in 1999 after Lok Sabha elections. Hansa Singh’s family,
which lives in Buttar village near Moga, chose to vote for the
Communist Party of India candidate, Principal Ajit Singh. Despite the
fact that their home on Shamlat land had been up for six years,
Hansa Singh’s son Baldev Singh said, local SAD worker and Panchajat
member ensured its demolition. Dalit houses were brought down also
in another Sangrur Village, Lasoolpur. The Faridkot unit of
association for democratic rights did intervene, but no official action
has been taken. Minor village-level-demolition generally passes
unreported and unnoticed.\(^\text{73}\) In *Kashiben Chhaganbhai Koli v. State of
Gujarat*,\(^\text{74}\) a member of Scheduled Castes was dispossessed from his
land by upper caste members. The accused agreed to sell his land to
complainant and possession was handed over to him. The accused
thereafter forcibly entered upon land and damaged crops and eye-
witnesses supported the case of complainant and the accused was
convicted under section 3(1)(v) as well as for cheating and damaging
crops.

In 14\(^{th}\) November 14, 1981, in Deoli village, Manipuri district,
(U.P), 24 dalis were gunned down by a gang of Rajputs and the entire
village was ransacked. The reason of such an incident is that some of
Government land is allotted and possession of such land is given to

\(^{73}\) Praveen Swami, “Down and Out in Punjab”, *Frontline*, Vol. 16, 24\(^{th}\) December
(1999).\(^1\)

\(^{74}\) 2009 CriLJ 1156.
the *dalits*.\textsuperscript{75}

### 2.7.13 Sexual Exploitation

A dalit minor was raped in Talwandi Sabo, after In Faridkot a married, *dalit* woman was gang-raped and paraded naked in the village Tharajwala of Muktsar district by upper caste because of her brother's alleged involvement with a girl of the village.

According to sources, the victim's brother Paramjit Pammi was involved with a girl of the same village and had eloped after reportedly trying to commit suicide by consuming pesticides.

The father of the girl, along with five others, kidnapped the married sister of the boy (Paramjit Pammi) from her house and gang-raped her repeatedly at the house of one of the accused.

According to the family members of the victim, after committing the crime and taking off the clothes of the victim, she was pushed onto the street and paraded naked.\textsuperscript{76}

Sexual abuse of a Scheduled Castes girl (13) by wards of influential families has come to light in Ramuwala Kalan village in Moga district. She is in eight month of pregnancy. The police was reluctant to register a case in this incident.\textsuperscript{77}

A Scheduled Caste woman Sukhwinder Kaur of Sumel Kheri village was molested and beaten up by an octroi contractor of Malaudh when she resisted his attempt to sexually exploit her. The accused has been arrested after being booked under section 323, 354.506, 452 and 120 of IPC.\textsuperscript{78}

The Ajnala police arrested a son of district president of the BJP Ram Sham Pal and two others in connection with the alleged gang rape of two Scheduled Caste sisters, one a minor and another a widow.\textsuperscript{79}

\textsuperscript{75} Sanjay Paswan and Paramanshi op.cit (2002)90.
\textsuperscript{76} *The Times of India*, 31\textsuperscript{st} May 2000.
\textsuperscript{77} *The Tribune*, 17\textsuperscript{th} April 2009.
\textsuperscript{78} *The Hindu*, 26 April 2006.
\textsuperscript{79} *The Tribune*, 25 January, 2009
A Scheduled Caste woman was victim of sexual abuse on 19th June 2005 at Todaraisingh in Tonk district (Rajasthan). A 32 year old Scheduled Caste woman labourer of a crusher was reportedly gang raped and later killed by two employees of the factory. The national campaign on dalit human rights in a memorandum to the State women’s commission alleged that the duo after calling her on the pretext of paying her wages repeatedly raped her and later threw her into the crusher in order to destroy the evidence and to make out a case of accident. An FIR in the case was registered under section 302 and 376 of IPC and under section 3(i)(xii),3(i)(ii)and 3(i)(v)of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989.80

A Scheduled Castes woman sarpanch of Rojhana village in Jhalawar district (Rajasthan) on 5th Oct.2005, has reportedly accused the station house officer, Fateh Singh Chouhan of the Gangdhar police station, assistant sub-inspector Ganga Ram and two local BJP leaders of raping her on the night of 22 September 2005 when she had gone to the police station to complain against the corporal punishment meted out to the students of local school by two teachers. According to the victim, when she went to the police station the policemen present there scolded her by her caste name and then raped her inside the police station. No case was registered on her complaint and no medical examination was done.81

On 2 June 2005, a 25 year old tribal woman was allegedly raped by two police constables after taking her to a river bank in Sanganer in Subhash Nagar area in Bhilwara district (Rajasthan). On the basis of a complaint by the victim, a case was registered.82

On the night of 17 Nov.2006, a Scheduled Caste woman was allegedly raped by one Vinay Pratap Singh at her house in presence of her husband and children at Pratap Nagar in Jaipur. The police

80 The Hindu, 6th July 2005.
82 The Hindu, 6th June 2005.
arrested the accused.\textsuperscript{83}

\textbf{2.7.14 Scheduled Castes and Scheduled Tribes are Prohibited to Enter in Temple}

The Scheduled Castes and Scheduled Tribes were not only denied entry into the temple but also assaulted for worshipping on their own land in Mahawali village in Punjab. A Shiv Temple is there in Mahawali in which \textit{dalits} are not allowed to enter. Outside the temple, there is a tree upon such tree “\textit{dalits} bar to enter in temple” is mentioned. In front of temple some people are always standing who ask stranger persons regarding their caste, if person is upper caste then he is allowed to enter but if person is \textit{dalit} community then he is not allowed to enter in temple.\textsuperscript{84}

A survey was conducted in April-May 2009, in 85 Panchayats having a total population of 4,46,366, including 1,56,756 Scheduled Castes and Scheduled Tribes. It has been brought to light that different types of discriminatory practices are in place at 200 temples out of a total of 658 that are not under the purview of Hindu religious and charitable endowment department.\textsuperscript{85}

Scheduled Castes and Scheduled Tribes have been denied entry into 121 temples. They are not permitted to perform pujas at 106 shrines. Temple cars skip Scheduled Castes and Scheduled Tribes colonies at 174 places. Scheduled Castes and Scheduled Tribes are allowed to enter the place of worship only during specific hours fixed for them in 103 cases. In 86 temples, the honour of tying “parivattam” (a cloth tied around the head) has been denied to Scheduled Castes and Scheduled Tribes.\textsuperscript{86}

According to a survey, in 49 Panchayats Scheduled Castes and Scheduled Tribes have not been allowed to touch the rope of the

\textsuperscript{83} \textit{The Asian Age}, 20\textsuperscript{th} Nov.2006.
\textsuperscript{85} \textit{Ibid}.
\textsuperscript{86} S. Dorairaj, “No Entry at Worship Place”, \textit{Frontline}, Vol. 26, 31\textsuperscript{st} July (2009) 40.
temple car; bias persists in the distribution of prasadam at 110 temples; they are debarred from using chairs in 96 places of worship; discrimination is shown to them by priests in 115 places of worship; they are not allowed to touch the wooden peetan (seat) of the idol in 40 shrines; and at 114 places they are not allowed to participate in the festivals connected to temples or churches.\(^\text{87}\)

In September 2005, a Scheduled Caste family of Krishna Gopal Dhanaka in Nimora village near Jaipur reportedly threatened to commit suicide due to continued harassment by upper caste people in collusion with the police over the last two years. The family was subjected to assault by Brahmins for building a Hanuman temple and worshipping the deity on its own land.\(^\text{88}\)

In Badhram village in Pulwal district of Haryana, Scheduled Castes villagers on 20\(^{th}\) July 2005 were ostracized and confined by the landlords after they prayed at village temple in violation of a ban by higher castes. The Asia centre for Human Rights documented that the Scheduled Castes were prevented from buying essential commodities from the village shops as a result.\(^\text{89}\)

**2.7.15 Funeral Procession**

In 6\(^{th}\) December, 1985, in Bilaspur town of district Pilibhit (U.P), the Scheduled Castes took a funeral procession by a school side and they were attacked by upper caste teachers and others. In this attack one Scheduled Caste member was killed and 14 others were wounded; their houses were attacked and ransacked.

In 1990 in Tamil Nadu, Scheduled Castes in the village have been denied even access to public roads and other facilities. On 16 February 1999, things came to a head when the Scheduled Castes and Scheduled Tribes protested against denial of access to the burial


\(^{88}\) *The Hindu*, 6\(^{th}\) October2005.

ground. Significantly, the victim himself a priest, Fr.A.C. Irudayanathan, who had lost his mother previous day. A large number of priests, nuns and lay people gathered at his house for the funeral procession, when Irudayanathan wanted the body to be taken through the main church road (“barred for Scheduled Caste” by “upper caste” Christian Venniars) the Christian vanniars objected. A group of vanniars stormed into the Scheduled Castes and Scheduled Tribes colony and threw stones at the mourners. This caused unrest among the Scheduled Castes and Scheduled Tribes.90

The data provided by the National Crime Records Bureau (NCRB) are only the registered cases of crimes against the Scheduled Castes. The NCRB gives data under 10 different crime heads, viz., 1) murder, 2) rape, 3) kidnapping and abduction, 4) dacoity, 5) robbery, 6) arson, 7) hurt, 8) PCR Act cases (cases registered under the Protection of Civil Rights Act, 1955), 9) POA Act cases (cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), and 10) others. Yet, these limited registered cases provide adequate data to understand the gravity of the situation. According to the NCRB data (Table 2.1), the total number of registered incidence of crimes committed against the Scheduled Tribes (henceforth called —special cases), is on the increase. The number of crimes committed against the Scheduled Casts was as many as 14,318 in the year 1981. It increased to 17646 in 1991 and further increased to 33501 in 2001. Although a closer look at the recent data shows a declining trend with the number of crimes declining to 26,252 in the year 2003, it once again rose to 26,887 in 2004. With a marginal decline in 2005 (26127) the reported cases further rose to 27070 in 2006, 30031 in 2007 and 33615 in 2008; a marginal decline was noticed in 2009 (33594). On the whole the data indicates that there is an increasing trend in the number of

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crimes committed against the Scheduled Castes in India. The total number of incidence of crimes (all types of crimes) committed against the Scheduled Castes steadily increased from 14318 in 1981 to a high of 33594 in 2009. This means that the number of crimes committed against the Scheduled Castes everyday in 1981 was about 39 only. Instead of declining, such incidence alarmingly increased over the years to as many as 93 everyday in 2009.
## Table 2.1

**Year Wise Incidence of Crimes Against Scheduled Castes in India from 1981 to 2010**

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<td>602</td>
<td>464</td>
<td>354</td>
<td>322</td>
<td>204</td>
<td>211</td>
<td>210</td>
<td>226</td>
<td>238</td>
<td>225</td>
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<tr>
<td>Hurt</td>
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<td>1408</td>
<td>1706</td>
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<td>4547</td>
<td>4491</td>
<td>3969</td>
<td>3824</td>
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<td>634</td>
<td>364</td>
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<td>248</td>
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<td>143</td>
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<td>POA act</td>
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<td>NA</td>
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<td>10770</td>
<td>8048</td>
<td>8891</td>
<td>8497</td>
<td>8581</td>
<td>9819</td>
<td>11602</td>
<td>11143</td>
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<td>Others</td>
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<td>11715</td>
<td>13944</td>
<td>24899</td>
<td>12201</td>
<td>14383</td>
<td>11401</td>
<td>11435</td>
<td>11077</td>
<td>11808</td>
<td>13490</td>
<td>14623</td>
<td>15082</td>
<td>14983</td>
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<td>15416</td>
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<td>26127</td>
<td>27070</td>
<td>30031</td>
<td>33615</td>
<td>33594</td>
<td>32712</td>
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</tbody>
</table>

2.8 RAPE AND MURDER CASES THROUGHOUT INDIA

The plight of Scheduled Castes seems much more alarming when one looks at the data pertaining to serious crimes such as rape and murder. As seen in the table, the total number of reported cases of murder of Scheduled Castes by the non-Scheduled Castes in India was 493 in 1981. It increased to 564 in 1981, 610 in 1991 and with a marginal decline of 543 in 1996, it increased further to 763 in 2001. Though the number of murders showed a declining trend in the year 2002 with 739 murders and 2003 with 581 murders, it recorded an increase in the following years. The murder of Scheduled Castes by the non-Scheduled Castes increased to 654 in 2004, 669 in 2005 and further increased to 673 in 2006 and 674 in 2007, but declined marginally to 626 in 2008, 624 in 2009 and 570 in 2010.

A similar increasing trend is evident with regard to rape cases, except for the sudden decline in 2003. For instance, the number of reported cases of Scheduled Castes women being raped by the non-Scheduled Castes men increased from 604 in 1981 to 727 in 1986, 784 in 1991, 949 in 1996 and 1316 in 2001. The number came down to 1089 in 2003, but once again increased, though gradually, to 1157 in 2004, 1172 in 2005, 1217 in 2006, 1349 in 2007, 1457 in 2008 and 1346 in 2009. From the 2010 data, it may be understood that in India on an average, 2 dalits are murdered and 4 dalit women are raped by the non-dalits everyday. The data for 1981 to 2010 period for India has whole indicates that not only the overall number of incidence of caste discrimination and violence but also the brutal crimes such as rape and murder are on the increase. This is a very alarming trend of crimes against Scheduled Castes and Scheduled Tribes.

2.9 STATE WISE CRIMES AGAINST SCHEDULED CASTES

The National Crime Records Bureau’s State wise data on crimes against Scheduled Castes for the period of 2003 to 2009 (Table 2.2) indicate that crimes against Scheduled Castes have been reported
from almost every state and union territories where there is a considerable Scheduled Castes population. It may however be noted that States such as Jammu & Kashmir and Arunchal Pradesh and the north-eastern states like Manipur, Meghalaya, Mizoram and UTs such as Andaman and Nicobar Islands, Dadar and Nagar Haveli, Daman&Diu and Lakeshadeep, where there is hardly any Scheduled Castes population and most of the inhabitants belonging to Scheduled Tribes have been kept out of this analysis. Consequently, the inclusion of such States and UTs in this comparative analysis would be misleading. The State of West Bengal, where the Scheduled Castes population is 17.4% is also kept out of the analysis since there is hardly any reporting of crimes against the Scheduled Castes there.
## Table 2.2

State Wise Crimes Against Scheduled Castes

<table>
<thead>
<tr>
<th>States/UTs</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
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<td></td>
<td>I</td>
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<td>I</td>
<td>P</td>
<td>I</td>
<td>P</td>
<td>I</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>3559</td>
<td>13.6</td>
<td>3255</td>
<td>12.1</td>
<td>3117</td>
<td>11.9</td>
<td>3891</td>
</tr>
<tr>
<td>Bihar</td>
<td>1747</td>
<td>6.7</td>
<td>2646</td>
<td>9.8</td>
<td>1824</td>
<td>7.0</td>
<td>2043</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>709</td>
<td>2.7</td>
<td>698</td>
<td>2.6</td>
<td>454</td>
<td>1.7</td>
<td>444</td>
</tr>
<tr>
<td>Gujara</td>
<td>1165</td>
<td>4.4</td>
<td>1309</td>
<td>4.9</td>
<td>1307</td>
<td>5.0</td>
<td>995</td>
</tr>
<tr>
<td>Haryana</td>
<td>195</td>
<td>0.7</td>
<td>217</td>
<td>0.8</td>
<td>228</td>
<td>1.1</td>
<td>283</td>
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<tr>
<td>Himachal Pradesh</td>
<td>107</td>
<td>0.4</td>
<td>89</td>
<td>0.3</td>
<td>55</td>
<td>0.2</td>
<td>92</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>76</td>
<td>0.3</td>
<td>126</td>
<td>0.5</td>
<td>277</td>
<td>1.1</td>
<td>333</td>
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<tr>
<td>Karnataka</td>
<td>1844</td>
<td>7.0</td>
<td>1643</td>
<td>6.1</td>
<td>1780</td>
<td>6.8</td>
<td>1730</td>
</tr>
<tr>
<td>Kerala</td>
<td>439</td>
<td>1.7</td>
<td>438</td>
<td>1.6</td>
<td>345</td>
<td>1.3</td>
<td>364</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>5507</td>
<td>21.0</td>
<td>4699</td>
<td>17.5</td>
<td>4356</td>
<td>16.7</td>
<td>4214</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>697</td>
<td>2.7</td>
<td>715</td>
<td>2.7</td>
<td>865</td>
<td>3.3</td>
<td>1053</td>
</tr>
<tr>
<td>Orissa</td>
<td>1157</td>
<td>4.4</td>
<td>1398</td>
<td>5.2</td>
<td>1439</td>
<td>5.5</td>
<td>1153</td>
</tr>
<tr>
<td>Punjab</td>
<td>127</td>
<td>0.5</td>
<td>134</td>
<td>0.5</td>
<td>140</td>
<td>0.5</td>
<td>184</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>4329</td>
<td>16.5</td>
<td>4360</td>
<td>16.2</td>
<td>3795</td>
<td>14.5</td>
<td>3910</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>1495</td>
<td>5.7</td>
<td>1156</td>
<td>4.3</td>
<td>1206</td>
<td>4.6</td>
<td>991</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>2821</td>
<td>10.7</td>
<td>3785</td>
<td>14.1</td>
<td>4397</td>
<td>16.8</td>
<td>4960</td>
</tr>
<tr>
<td>Uttrakhand</td>
<td>129</td>
<td>0.5</td>
<td>137</td>
<td>0.5</td>
<td>99</td>
<td>0.4</td>
<td>68</td>
</tr>
<tr>
<td>Chandigarh</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Delhi</td>
<td>3</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>21</td>
<td>0.1</td>
<td>21</td>
</tr>
<tr>
<td>Pondicherry</td>
<td>22</td>
<td>0.1</td>
<td>23</td>
<td>0.1</td>
<td>14</td>
<td>0.1</td>
<td>14</td>
</tr>
<tr>
<td>Total</td>
<td>2625</td>
<td>100</td>
<td>26887</td>
<td>100</td>
<td>26127</td>
<td>100</td>
<td>27070</td>
</tr>
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</table>

On analyzing the state specific data, it is clear that the magnitude and trend of reported crimes against the Scheduled Castes has, in most cases, changed over time across states. While some states have shown a declining trend, others show an increasing trend and a few have remained more or less the same. For instance, in 2003 Madhya Pradesh had highest percentage (21%) of cases registered under the special laws, but the state witnessed a gradual declining trend subsequently: 17.5 in 2004, 16.7 in 2005, 15.6 in 2006, 13.7 in 2007, 8.8 in 2008 and to about 9.0 in 2009. M.P. is closely followed by Rajasthan with a similar declining trend (16.5% in 2003 decreased to 12.8% in 2008) although it witnessed a marginal increase (14.8%). The other states that witnessed a similar decreasing trend include Karnataka, Bihar and Tamil Nadu. Though Uttar Pradesh ranked fourth in 2003 accounting only for 10.7% of the total incidence of crimes against the Scheduled Castes in India, it rose to first position in 2005 accounting for as high as 16.8% of the total crimes. Since the Uttar Pradesh has continued to rank first with the increasing percentage of crimes against the Scheduled Castes 18.3% in 2006, 20.5% in 2007, 23.8% in 2008 and a marginal decline 22.41% in 2009. The other states that have witnessed a noticeable increase over the years in the percentage of crimes against the Scheduled Castes include Bihar (6.7% in 2003 increase to 11.44 % in 2009) and Orissa (4.4% in 2003 increased to 5% in 2009).

2.10 CRIMES AGAINST SCHEDULED TRIBES IN INDIA

A total of 5,885 cases against Scheduled Tribes were reported in the country during 2010 as compared to 5425 cases in 2009 showing an increase of 8.5% in 2010 over 2009. The increase was observed in all head except robbery and others crimes. A total of 142 cases of Murder of Scheduled Tribes were reported in 2010 as compared to 118 cases in 2009, showing an increase of 20.3%. A total of 654 cases of rape were reported in 2010 as compared to 583 cases in 2009 showing an increase of 12.2% in 2010. The incidents of Kidnapping &
Abduction have increased by 2.4% in the year 2010 over the previous year (2009) when 82 cases were reported. Seven cases of dacoity were reported in the country during 2010 as compared to 3 cases in the year 2009 showing an increase of 133.3% over the previous year. Five cases of robbery were reported during 2010 as compared to 24 cases in 2009, indicating a decrease of 79.2% during the year as compared to the previous year. A total of 941 cases hurt were reported during 2010 as compared to 787 cases in 2009 showing an increase of 19.6% in 2010. During the year 2010, 39 cases of arson were registered as compared to 29 case in 2009 showing an increase of 34.5%.

Table 2.3

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>164</td>
<td>195</td>
<td>140</td>
<td>128</td>
<td>118</td>
<td>142</td>
</tr>
<tr>
<td>Rape</td>
<td>640</td>
<td>699</td>
<td>627</td>
<td>585</td>
<td>583</td>
<td>654</td>
</tr>
<tr>
<td>Kidnapping &amp; Abduction</td>
<td>72</td>
<td>88</td>
<td>89</td>
<td>93</td>
<td>82</td>
<td>84</td>
</tr>
<tr>
<td>Dacoity</td>
<td>27</td>
<td>12</td>
<td>9</td>
<td>14</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Robbery</td>
<td>49</td>
<td>29</td>
<td>21</td>
<td>18</td>
<td>24</td>
<td>5</td>
</tr>
<tr>
<td>Arson</td>
<td>38</td>
<td>46</td>
<td>54</td>
<td>49</td>
<td>29</td>
<td>39</td>
</tr>
<tr>
<td>Hurt</td>
<td>767</td>
<td>838</td>
<td>855</td>
<td>875</td>
<td>787</td>
<td>941</td>
</tr>
<tr>
<td>PCR Act</td>
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<td>6</td>
<td>2</td>
<td>5</td>
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<td>SC&amp;ST(POA)</td>
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<td>1104</td>
<td>1022</td>
<td>944</td>
<td>1,169</td>
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<tr>
<td>Others</td>
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<td>2628</td>
<td>2794</td>
<td>3853</td>
<td>2,839</td>
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<tr>
<td>Total</td>
<td>5713</td>
<td>5791</td>
<td>5532</td>
<td>5582</td>
<td>5425</td>
<td>5,885</td>
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</table>


The data indicates that crime against Scheduled Castes and Scheduled Tribes is a reality in most of the Indian states. It is a reality even in the Scheduled Castes-ruled states such as Uttar Pradesh and the backward caste-ruled states like Bihar and Tamil Nadu. Crimes against Scheduled Castes are a reality also in states like Maharashtra.
and Tamil Nadu that are historically known for militant *dalit* assertion and anti-Brahmin movements. The situation seems no different in the left-ruled States like West Bengal and Kerala, although the magnitude of such crimes is found to be relatively lesser here. The analysis also helps us conclude that states such as Uttar Pradesh, Madhya Pradesh, Rajasthan, Andhra Pradesh and Bihar continued to witness a high incidence of crimes of one kind or the other against the Scheduled Castes. Although in relative terms some of these states have been able to bring down over the years the number of crimes, in absolute term the number is still significantly high, particularly in Uttar Pradesh. A point of serious concern is that there has been an increase in both rape and murder crimes particularly in states with sizable Scheduled Castes population. While states such as Andhra Pradesh, Gujarat, Haryana, Kerala and Orissa witnessed a high incidence of rape crimes, states such as Rajasthan, Madhya Pradesh and Maharashtra witnessed a high incidence of murder crimes. With regard to incidence of rape cases Madhya Pradesh could bring down the number, while Uttar Pradesh could prevent rape cases from further escalation. Rajasthan however witnessed discouragingly an increasing trend in the number of incidence of murder. Although Uttar Pradesh accounts for a major share in the incidence of murders, it has been able to bring down such incidence to a noticeable extent over the years, while other states have only witnessed an increasing trend.

### 2.11 WHETHER STATE PROTECTION, IF ANY, IS OFFERED TO MEMBERS OF THE SCHEDULED CASTES AND SCHEDULED TRIBES

The condition of Scheduled Castes remains deplorable. The accountability for violation of the rights of the Scheduled Castes was seldom established. The finding of the justice K.S. Commission which probed the Kumher Massacre in Rajasthan in which 17 Scheduled Castes were burnt alive in June 1992 was not made public by the State Government despite a high court order to place the report in the
In 1989, the Government of India enacted a Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 but despite this legislation, atrocities and discrimination against scheduled caste and Scheduled Tribes continued. Human Rights Watch in 2001 reported that: “The State’s failure to prosecute atrocities against Scheduled Caste and Scheduled Tribes is well illustrated by its manipulation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Enacted in 1989, the Act provides for certain stiffer punishments for abuses against members of Scheduled Castes and Scheduled Tribes when committed by non-scheduled caste and tribes members. Its enactment represented an acknowledgment on the part of the government that abuses, in their most degrading and violent forms, were still perpetrated against Scheduled Castes and Scheduled Tribes despite the constitutional abolition of “untouchability” four decades earlier”.

“The potential of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, to bring about social change, however, has been hampered by police corruption and caste bias, with the result that many allegations of caste crimes are not entered in police records. Some state government dominated by higher castes have attempted to repeal the legislation altogether”.

The caste system has endured for centuries, and the descendants of the original high caste members continue to exploit the Scheduled Castes and Scheduled Tribes. Most of the atrocities committed against Scheduled Castes and Scheduled Tribes are of the type of assaulting them individually or in a group by an organized group of upper castes, irrespective of their status. The police department which is safeguards the life and property of citizens is manned by the majority caste which commits the largest number of atrocities on Scheduled Caste and Scheduled Tribes. Atrocities

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91 *The Hindu*, 4th June 2005.
includes burning of their houses, looting of their property, abusing them by their caste name, sexual exploitation of women by upper caste men, bar to enter in temple, wrongfully dispossessing them from their land, intentionally insulting or intimidating them with the intent to humiliate them in any place within public view etc. It is the constitutional obligation of the state to protect the interest of Scheduled Castes and Scheduled Tribes from social injustice and atrocities. Despite various measures to improve the socio-economic conditions of the Scheduled Castes and Scheduled Tribes, they are still vulnerable. It has been shown that they are often deprived of their life on petty issues. Serious crimes are committed against them for various historical, social and economic reasons.

Legislations have been passed by the Parliament like Protection of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Protection of Civil Right Act, 1995. Despite these legislatures, Scheduled Castes and Scheduled Tribes are continually facing various kinds of atrocities committed by upper caste people in our country, so it is necessary that existing legislature to prevent caste-based atrocities must be strictly implemented and police officers refusing to implement such laws must be punished. Those who are the sufferers of this system must unite and capture political power because political power is the master key which will open the lock of social, economic and cultural exploitation. Nevertheless the real solution to the problem lies in the sensitization of the people. People must be sensitized through education that all the peoples including Scheduled Castes and Scheduled Tribes are the children of the God and therefore any hatred and atrocity towards them would be hatred to the God and sin.