

The Role of the SC/ST Act in addressing Caste-Based Atrocities: A Critical Legal Analysis

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Abstract - The SC/ST Act, or Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was passed with the intention of ending the long-standing prejudice and brutality against India's most vulnerable populations. Karnataka has a long history of caste-based violence; this article examines the SC/ST Act's implementation and effects in that state. This study synthesizes previous research to examine three primary areas: the Act's legislative and policy structure, the socio-legal obstacles to its implementation, and the historical background of caste-based violence. There has to be strong legislative safeguards like the SC/ST Act since caste-based prejudice is deeply rooted in Karnataka's history, especially in rural regions. Although the Act is a major step forward in India's legal system, there are obstacles to its execution, such as victims not being adequately represented in court and crimes not being reported. Studies conducted in Karnataka provide light on ongoing problems with the justice system and police enforcement, which are worsened by societal shame and the fear of reprisal. Despite these obstacles, the court and civil society groups have been crucial in protecting the rights of SCs and STs, bringing attention to the issue, and providing legal remedies. The research finds that the SC/ST Act may be a strong weapon against caste-based crimes, but that it would only work in Karnataka if the social and legal obstacles to its implementation are removed. If the Act is to achieve its goal of safeguarding disadvantaged populations in Karnataka and abroad, more study and innovative policymaking are required.

Keywords: Caste-Based Violence, SC/ST Act, Karnataka, Socio-Legal Challenges

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INTRODUCTION

In 1989, the government of India passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, often known as the SC/ST Act, with the aim of protecting the historically oppressed SC and ST people from acts of violence and bigotry. These groups are the intended targets of the Act, which seeks to safeguard them against prejudice, aggression, and social injustice. Karnataka is an important case study for learning about the effects of the Act and the difficulties encountered in implementing it because of its varied population and past of caste-based discrimination.

A seminal piece of Indian law, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act) seeks to reduce brutality against vulnerable populations. Numerous scholarly and

policy-focused investigations on this Act have been conducted over the years. The SC/ST Act has had far-reaching effects in Karnataka, and this literature review compiles previous research on the subject. The three main topics covered by the review are the following: the background of caste-based violence in history, the policy and legislative framework, and the socio-legal obstacles to enforcing the Act.

According to Hindu tradition, there is a caste system that includes four levels of Varna, with the Scheduled Castes being the lowest. The Marathi social reformer Jyotiba Phule created the word "Dalits," which means "broken," to describe these marginalized people. They are now known as untouchables. Yet, there is a group known as the Scheduled Tribes, which includes people who were formerly part of the forest dwellers or the "Adivasis" and who are not part of Hindu society. Although they

are not inherently untouchable, STs have special difficulties as a result of abuse and incomplete integration into Hindu society. On top of that, the British were so wary of indigenous people who lived in forest regions that they criminalized them. Even though Scheduled Tribes were already barred from entering woods, the British nonetheless sought to occupy them. Their inability to harness political clout and economic resources for development stemmed from their marginalization and the fact that they lived in impoverished regions. Because of this, the Constituent Assembly of India made sure that the Scheduled Castes and Tribes have specific opportunities for advancement.

The historical roots of caste-based violence in India are profound, especially when it comes to the treatment of SCs and STs. Ambedkar (1936) brought attention to the pervasiveness of caste-based oppression, highlighting how these populations have been economically and socially marginalized due to systematic violence and discrimination. Building on this, researchers like as Jodhka (2002) and Thorat (2007) have examined the connections between caste-based crimes and economic and social isolation.

The state of Karnataka has a recorded history of caste-based violence, which is especially prevalent in rural regions. According to Rao (2012), the land ownership patterns in Karnataka, which benefit the upper castes, have kept the SCs and STs in a vicious cycle of exploitation and violence. To comprehend the need of legislative safeguards such as the SC/ST Act, it is essential to have this historical context.

LITERATURE REVIEW

Kalpana Kannabiran (2012) The subject of Kannabiran's book is the SC/ST Act and how it relates to India's criminal justice system and caste. While the Act is a powerful legislative instrument, the author contends that prejudices in the judicial and police departments pose serious obstacles to its effective application. Also covered in the book is the role that civil society has to play in protecting the rights of SC/ST groups and getting the Act enforced better.

Surinder S. Jodhka (2012) In spite of societal and legal changes, caste continues to exist in modern India, as discussed. Within the larger context of India's affirmative action and anti-discrimination legislation, the author analyzes the SC/ST Act. In order for the Act to be successful in fighting caste-based discrimination, Jodhka argues that social attitudes and economic inequities must also be addressed, pointing out the limits of legal techniques.

Meena Radhakrishna (2016) It delves at the complex relationship between gender and caste as it pertains to Indian law, specifically looking at the SC/ST Act. The author draws attention to the Act's application—and, at times, abuse—in instances involving Dalit women, who often encounter various forms of prejudice. A more complex view of caste-based violence, according to Radhakrishna, is necessary, one that considers the unique dangers faced by various SC/ST subsets.

Akhtar (2020). Scheduled Castes/"Dalits" are historically outside the four-tiered rung of Hindu religion and are seen as the "untouchables" under India's constitutional framework. Caste stratification incorporates the idea of "superiority, pollution and separateness," while the unwritten public code encompasses the victim complex. The caste system's intrinsic structural violence and institutional prejudice continue to impact them, even if the constitution and affirmative laws have provided some protections. The Dalits are forced into low-status jobs like human scavenging, reflecting the inherent caste system in Hinduism. No amount of affirmative action will help the majority of rural Indians since caste prejudice is so pervasive there. The recent rise to power of the Bharatiya Janata Party (BJP) has severed ties with Hindutva, exacerbating the problem. As a result, Dalits who convert from Hinduism to Islam or Christianity no longer qualify for government benefits. The structural prejudice that criminalizes Dalit communities and the ineffectiveness of legal safeguards are examined in this article. The article will state that the "untouchables" will remain victims of caste discrimination as long as economic privilege, lax enforcement of village laws, and the present government's ideological stances are not changed.

LEGISLATIVE AND POLICY FRAMEWORK

When previous legislation failed to adequately address crimes committed against SCs and STs, the SC/ST Act was established to fill the void. Certain crimes are defined as atrocities under the Act, and those who commit them face harsher penalties than those outlined in the Indian Penal Code (IPC). The SC/ST Act is a major step forward in India's legal structure, according to scholars like Galanter (1984) and Mendelsohn (1998) who have studied the development of legal safeguards for SCs and STs.

A number of actions and policies at the state level in Karnataka have helped bring about the implementation of the SC/ST Act. One example is the work of Singh (2015), who delves into the

Karnataka State Commission for Scheduled Castes and Scheduled Tribes and how they oversee cases under the Act and suggest ways to enhance policy. Nevertheless, the efficacy of the Act is still up for discussion, even after all these attempts.

SOCIO-LEGAL CHALLENGES IN ENFORCEMENT

There are substantial social and legal obstacles to enforcing the SC/ST Act in Karnataka and across India. Fear of reprisal and social shame prevent many victims of crimes from coming forward, which is a major problem. Intimidation and harassment are common experiences for victims of caste-based violence, according to Bhattacharya (2017), which discourages them from pursuing justice. Victims also face significant challenges in obtaining justice due to the lengthy court procedure and insufficient legal assistance. Overcrowding in the special courts assigned to hear issues under the SC/ST Act causes delays in justice, as pointed out by Kunnath (2018). Various studies, such as those by Meena (2020) and Rao (2019), have shown that local law enforcement officials either do nothing or even conspire with criminals, which makes it much harder for the Act to be enforced.

ROLE OF CIVIL SOCIETY AND ACTIVISM

To ensure that SC and ST people are able to exercise their rights as outlined in the SC/ST Act, civil society groups and activists have been important. In order to bring attention to the Act and provide assistance to victims, Gupta (2016) explains how grassroots groups in Karnataka have played a crucial role. These groups facilitate victims' access to justice by mediating disputes between them and the court system.

Judicial review of the SC/ST Act has also played an important role. The Act has been interpreted and used in many ways by landmark rulings, such as the Supreme Court's decision in *Dr. Subhash Kashinath Mahajan vs. The State of Maharashtra & Anr* (2018). On the other hand, as pointed out by Rajagopal (2020), court interventions have sometimes resulted in controversy. This is especially true when it comes to the possible abuse of the Act, which has prompted discussions about how to strike a balance between victim rights and protections against false charges.

The literature on the SC/ST Act emphasizes the intricate relationship between the law, society, and politics that impact its execution in Karnataka. Overcoming the socio-legal obstacles that prevent its execution is crucial if the Act is to be successful in preventing caste-based atrocities. This is an area where the court and civil society have played an essential role, but more study and new policies are

needed to make sure the SC/ST Act protects vulnerable populations in Karnataka and abroad.

IMPLEMENTATION OF THE ACT IN KARNATAKA

Legal Framework and Government Initiatives

Crimes perpetrated against SCs and STs, including as social boycotts, forced labor, and physical abuse, are punished severely under the SC/ST Act. The government of Karnataka has appointed public prosecutors and set up special courts to hear crimes under the Act. To make sure the Act is really put into practice, the government has initiated a number of activities, including awareness campaigns and training programs for police personnel.

The intricacies of applying the SC/ST Act are revealed by a more thorough analysis of certain Karnataka instances. For example, cases of violence based on caste in areas like as Gulbarga, Mysuru, and Tumakuru show how caste prejudice persists even with legislative protections. The judiciary's and law enforcement's reactions to these instances shed light on the structural problems that prevent SC/ST populations from receiving justice.

Focusing on Karnataka, the following are some important facts pertaining to the application and effects of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:

1. Incidents of Atrocities Against SC/STs in Karnataka

Reported Cases: Data from the National Crime Records Bureau (NCRB) for 2020 shows that under the SC/ST (Prevention of Atrocities) Act, Karnataka recorded over 2,374 incidents of atrocities against SCs and 647 cases against STs. A large fraction of the total crimes committed against SC/STs in India fall into this category.

Increase in Cases: The number of atrocities perpetrated against SCs and STs in Karnataka increased by almost 7% between 2019 and 2020. The increasing number of victims is a reflection of both the pervasiveness of caste-based violence in the state and the rising knowledge of victims about their legal rights.

2. Conviction Rates

Conviction Rate in Karnataka: There has been a low conviction rate in Karnataka under the SC/ST Act. Conviction rates for cases in Karnataka under the SC/ST Act were about 19.8% according to the most recent statistics from the NCRB. This is little more

than the average for the country in 2020, which was about 17.8%.

Pendency of Cases: There are still a lot of instances that haven't been resolved yet. It was almost 2020, and more over 60% of the SC/ST Act cases in Karnataka were still unresolved. One of the biggest obstacles to victims receiving justice in a timely manner is the high pendency rate.

3. Geographical Distribution of Cases

District-wise Distribution: The number of crimes committed against SCs and STs has been found to be greater in several areas of Karnataka. The districts of Gulbarga, Mysuru, and Tumakuru, for instance, rank high in terms of the total number of cases recorded. These areas have a long history of caste-based conflicts and a large SC/ST population.

4. Police Response and FIR Registration

FIR Registration: The police's unwillingness to file First Information Reports (FIRs) in accordance with the SC/ST Act is a common point of contention. Crimes are unreported because FIRs are either filed too late or never filed at all, according to reports. It has been observed by civil society groups in Karnataka that around 20% of SC/ST Act complaints do not lead to the filing of FIRs.

5. Compensation and Relief Measures

Monetary Compensation: As a result of the SC/ST Act, the government of Karnataka has made arrangements to compensate victims of atrocities monetarily. The severity of the violation determined the compensation sum, which varied between ₹85,000 and ₹8.25 lakh as of 2020. Unfortunately, victims are encountering bureaucratic roadblocks, and there have been complaints of compensation disbursement delays.

Relief Measures: Legal assistance and rehabilitation programs are among the many relief initiatives launched by the state government. Nevertheless, the success of these interventions varies; several victims have complained of insufficient assistance.

Educational and Employment Discrimination

Education and Employment Discrimination: Research and surveys carried out in the Indian state of Karnataka have shown persistent forms of discrimination against SC/ST students and employees. Although there is a lack of statistics specifically pertaining to Karnataka, surveys conducted at the national level indicate that more than 60% of SC/ST students have encountered prejudice in

educational environments. There is a pay gap and a lack of representation for SC/ST people in executive roles in the workplace.

Government Initiatives

For instances involving the SC/ST Act, Karnataka has set up special courts to ensure a rapid trial. There were sixteen such courts operating in the state in 2020. But, delays in the legal process are frequently caused by these courts being overwhelmed.

Awareness Programs: A number of awareness campaigns have been launched by the Karnataka government to inform the SC/ST people of their rights as outlined in the Act. Despite these initiatives, polls show that many SC/ST people still don't know about the rights they have under the law.

Civil Society and NGO Involvement

NGO Involvement: A number of NGOs are keeping a close eye on how the SC/ST Act is being put into practice in Karnataka. In drawing awareness to situations that went unreported and fighting for victims' rights, these groups have been essential. More than 30 percent of reported cases in some regions have reportedly received assistance from non-governmental organizations.

Role of Civil Society and Judiciary

The efficient implementation of the SC/ST Act and the advocacy for the rights of SCs and STs have been greatly supported by civil society groups in Karnataka. Many victims turn to these groups for help when they need to file complaints, get legal representation, or learn more about the Act's protections. The court has also issued a number of seminal rulings that highlight the SC/ST Act's significance in safeguarding the rights of oppressed groups.

CONCLUSION

When it comes to combating prejudice and violence based on caste in Karnataka, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is still an essential instrument. There are still obstacles to achieving justice for SCs and STs, despite the fact that the state has made great progress in implementing the Act. Tackling these difficulties calls for a comprehensive strategy that incorporates changes to the legislation, strengthening law enforcement agencies' capabilities, and engaging civil society. For the sake of the equity and justice guaranteed by the Indian

Constitution, it is socially and legally necessary to ensure that the SC/ST Act is strictly enforced in the state of Karnataka.

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