

Judicial interpretation and challenges in the implementation of the SC/ST Act

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Abstract - They envision a utopian kind of equality that would be codified in Article 14 of the Constitution, which declares that all people are equal before the law regardless of any circumstance. Despite its constrained word count, this article will address the atrocities committed against Dalits, the challenges they have in obtaining justice, and the extent to which the Indian judicial system has adequately addressed these issues. Also covered will be the Prevention of Atrocities Act, which is considered by many to be the first and most important legal measure against inequality.

Keywords: Dalits; Prevention of Atrocities Act; Equality; Legal Process; India

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INTRODUCTION

In India, the Dalits are accused of being born into a lower caste, and this stigma follows them even after death. Dalits do not adhere to the rebirth or similar Vedic theories. Because of caste inequality or the stigmatization of the concept of justice, crimes committed against Dalits are either not reported at all or are not recorded in the system. The Dalit community should be held accountable for the crimes committed against them. When a Dalit person is the victim of a crime, the legal system takes too long to acknowledge it, unlike when a higher-order caste person is the target of a similar atrocity.

The Indian Constitution explicitly forbids the practice of caste discrimination under Article 17. But the question remains: how relevant has it been? Is it going to become so bad that the government steps in to penalize those who practice untouchability?

There is more to the story than just the untouchability practice or the violation of the right to equality; India's legal system is rife with anomalies, and it is common to find Dalits buried behind constitutional requirements. Despite their professed role as temples of justice, the courts have either perpetuated negative stereotypes about Dalits or exploited them because of their past, relegating them to the lowest echelons of the legal system or even ignoring them altogether.

From 2011 to 2014, a grand number of 1,88,991 offenses were recorded against SCs under various statutes, according to statistics from the National Crime Records Bureau (NCRB).

The number of crimes perpetrated against SCs in 2014 increased by 19.4 percent compared to the previous year. These crimes fell under the categories of "Dacoity," "rape," "kidnapping & abduction," and "hurt," according to the 'SC/ST (Prevention of Atrocities) Act'. Of all the instances recorded in the nation, 17.2% were from Uttar Pradesh, which has 20.5% of the SC population.

Following a comprehensive review of the relevant constitutional legislation and articles outlining societal equality, the proposal was tested. Quite a few papers that are based on extensive study and studies are cited extensively. Although the paper's word restriction is a consideration, every effort has been made to include all pertinent and subjective research possibilities pertaining to Dalit atrocities. The title and narrative style of this article are our hopes that readers will find them believable.

One such clause that outlaws' untouchability is clause 17 of the Indian constitution. It focuses on the United Nations Human Rights Declaration in particular. "The thrust of Article 17 is to liberate the society from blind and ritualistic adherence and

traditional beliefs which lost any legal or moral base," the Supreme Court concluded in the first case before the court regarding untouchability, *State of Karnataka v. AppaBalulingale*, presided over by K. Ramaswamy J. For the Dalits, it hopes to usher in a new era of social equality, saying that they should be treated the same as everyone else, free from discrimination based on religion or caste, have access to opportunities, and feel like they belong in the national life. Ensuring equality is the fundamental principle underlying the promise of Article 17. Despite how hard it is to implement; Justice has been served by the Supreme Court in its seminal rulings.

The honorable court ruled that the restriction on so-called Untouchables or Harijans entering the country violates Articles 14, 15, and 17 of the Indian Constitution, leading to the passage of the Nathdwara Temple Act in response to public interest litigation. One of the most important parts of the Indian constitution is Article 14, which guarantees everyone equal protection under the law. It transcends caste, creed, and other forms of discrimination by establishing a universal right to equal protection under the law for all citizens. Justice in political democracies, according to the Supreme Court's ruling in *Dalmia Cement (Bharat) Ltd. v. Union of India*, extends to economic and social equity, and the rule of law is integral to any comprehensive assessment of a well-functioning social order. That "Justice should not only be done but it must also seem to be done" is a fundamental premise of legal principles. Raising the status of India's Scheduled Castes and Scheduled Tribes to that of other Indian groups is essential if the country is to maintain a healthy social order.

Dalit pupils were severely denied access to education, which is essential for personal growth and development. Articles 17, 14, and 15 did not prevent the denial of education to Dalit kids, who were considered a preliminary issue. Some kind of caste prejudice or an extremely stringent admissions procedure will prevent SC/ST or Dalit applicants from being considered. Until the first amendment, which comprised clauses 4–15 and specifies that backward castes, Dalits, and SC/ST must have reservations, the egalitarian vision of the constitution's framers seemed to be failing.

In terms of access to legal representation and justice, the horrors suffered by Dalits are comparable. One of the most common sources of class distinctions among Dalits is their low socioeconomic status. Consequently, they are unable to afford legal representation or financial assistance in the event that a case involving their crimes does reach the courts.

Consequently, Article 39-A of the 42nd Amendment to the Indian Constitution makes it clear that anybody who cannot afford legal representation on their own would get it at no cost. Since the legal aid system now provides justice at no extra cost, the Dalits and the impoverished will not hesitate to file a criminal complaint against them, thanks to this legislation, which has produced a balance in the achievement of justice.

LITERATURE REVIEW

Kannathasan, Bhuvaneswari. (2020). Dalits are social outcasts and denied fundamental human rights in India, a democratic republic. Constitutional safeguards and administrative mechanisms have failed to alleviate Dalits' persistent social exclusion and violent persecution, even though the Indian constitution included several provisions to protect their human rights. Society places an extra heavy load on Dalit women due to their gender, caste, and economic status. In both the public and private sectors, Dalit women continue to face a host of societal issues that leave them exposed. In this light, the study examines the problems and obstacles facing India's dalit women's human rights protection mechanisms.

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.

Nawsagaray, Nitish. (2018). In the case of Subhash Kashinath Mahajan v State of Maharashtra (2018), the Supreme Court cast doubt on the effectiveness of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, citing weak reasoning and incorrect facts. Members of the SC/ST community who have been victims of caste prejudice or violence have no recourse, and the court has made it difficult to file first information reports or arrest the accused in such circumstances. Without intending so, the Supreme Court's decision can provide lawbreakers from higher castes carte blanche to do anything they choose.

Khora, Sthabir. (2014). While the police's failure to submit a First Information Report has received much attention, the Final Report that concludes an investigation has received comparatively little attention. This article presented the findings of a study of one hundred final reports submitted under the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 498A of the Indian Penal Code. Significant ramifications for the administration of justice arise from the police's inconsistent treatment of these two statutes.

Garimella, Sai Ramani. (2012). Protective discrimination and sectoral empowerment are two examples of affirmative action measures that have dominated public debate on social and economic diversity in India over the last fifty years. Despite the progress achieved in combating prejudice via affirmative action programs, violent behaviors and caste-based violence have mostly gone unchecked, with the exception of legal initiatives such as the PCRA and POA Act. Judicial pronouncements that are very charitable in understanding the purpose of legislation have produced a great deal of jurisprudence in the field, helping to elevate the law to a sacred status when put into practice. These rulings have redirected the conversation toward potential solutions to the problem of this ill that keeps popping up despite efforts to eradicate it, for reasons that range from ignorance of the laws to outright indifference. In light of the circumstances, the decisions discussed in this article show a strong dedication to the cause and provide the lower courts ample direction to carry out this law.

Prevention of Atrocities Act: Atrocities committed against members of the Dalit, SC/ST, and other oppressed castes have reached crisis proportions. A lot of incidents that violate their dignity and respect for themselves don't get reported or investigated. A member of the Dalit group may attempt to seek justice, but the court will still see their case through the biased lens of caste. There has been a lack of reporting or prosecution of cases involving gang rape

of Dalit women. It becomes an agony for the Dalits to accept such a case due to the dread of cross-examination and the proof of witnesses. Despite the fact that the legislation contains constitutional demands, all of this is taking place. Although the law guarantees Dalits equal protection under the law and certain protections, judges, attorneys, and lawmakers are so ingrained in their prejudice against this minority that they do nothing to promote equality. Instead, it is more equitable to establish a distinct category for Dalits and any matters pertaining to them.

Even though Articles 14, 15, and 17 of the Indian Constitution and the Prevention of Atrocities Act have vehemently declared their intention to eradicate injustice and build a society free of prejudice and discrimination, this has not happened. The moment has come for the Indian people to see the constitutional provisions as protections and rules to follow while dealing with groups that are prejudiced based on caste. To protect the rights of Dalits and SC/ST people, the Constitution introduced the Prevention of Atrocities Act, 1976, which has specific provisions for punishment and other pertinent requirements.

There may be SVMCs and DVMCs in place in many states, but without frequent meetings, nothing will happen to address the issues raised or develop the strategies required under the PoA Rules. Additionally, those who have been affected by or witnessed atrocities are often misinformed on their legal claims to travel expenses and daily stipends that would allow them to attend judicial proceedings. In order for authorities to take precautions against the recurrence of atrocities, the PoA Act requires the states to identify certain regions as such. Nevertheless, by 2013, only 10 states have designated 171 areas as potentially atrocity-prone, as stated in the MSJE Annual Report on the Status of Implementation of the PoA Act. There is a shocking lack of cooperation between law enforcement and victims/witnesses, and the situation is terrible.

The POA act's provisions give the impression that they are inadequate and inadequately designed to put a stop to the crimes committed against the Dalit and SC/ST groups. Both the conviction and acquittal rates will rise as a result of the change. Given the current state of affairs in the nation, when Dalits are encountering severe obstacles to attaining legal justice and leading equal lives to the rest of society, the amendments' provisions will be more than enough. This includes safeguards against harassment and similar forms of abuse.

Incorporate a new section into the Act titled "National Monitoring and Enforcement Authority." This section should outline the functions and duties of this authority, which are to guarantee that state agencies and state governments work together effectively in accordance with the Act's requirements and to guarantee that the Act's provisions are enforced.

Improved infrastructural facilities, with forensic support available. As a result, criminal investigations and police agencies will be able to work together more effectively.

In order for the Act's monitoring committees to carry out their mandated duties of overseeing the prosecution and investigation of cases, they need more resources and support.

The tragic tale of 17-year-old Swapnil, who was killed mercilessly after developing feelings for Gauri, a girl from a higher caste. The brother of the girl and his buddies murdered Swapnil. The Swapnil family had previously attempted to contact the local police station to file a complaint. However, due to their membership in the Dalit group, they were denied access to speak with the senior police officer. Because of this, they were unable to get police protection, which may have spared Swapnil's life. After their son Swapnil passed away, his parents attempted to file a police report (FIR), but they heard nothing more.

There are measures in place to protect Dalits, but this is not the first instance when legalese has caused them harm. The perpetrators were not apprehended despite his parents' utmost efforts. The matter was closed after the judge denied the plea.

CONCLUSION

Justice has always been just around the corner for the Dalit minority. This is a result of the myopic view and antiquated logic that prevailed among jurists and legislators during the Vedic era of caste discrimination. The above-mentioned measures are all that are in place to safeguard Dalits against brutality. The question is, however, to what extent are these being put into practice? Discrimination against Dalits and the inequality they encounter in today's systems are perennial problems. In order for Dalits to access courts and other readily accessible legal frameworks, the government should raise knowledge about their rights. In a nutshell, we want to emphasize that for a secular, welfare-state like India to have significantly more equality than what exists in modern India, it must include the lower-class members of society.

REFERENCES

1. Khora, Sthabir. (2014). Final reports' under Sec-498A and the SC/ST atrocities act. 49. 17-20.
2. Garimella, Sai Ramani. (2012). Prevention of Atrocities against Scheduled Castes and Scheduled Tribes - New Jurisprudential Insights. Indian Journal of Human Rights and Justice. 8. 1-13.
3. Nawsagaray, Nitish. (2018). Misuse of the prevention of Atrocities Act: Scrutinising the Mahajan judgment, 2018. Economic and Political Weekly. 53. 36-42.
4. Akhtar, (2020). Scheduled Castes, Dalits and Criminalisation by 'descent'. State Crime Journal. 9. 71. 10.13169/statecrime.9.1.0071.
5. Kannathasan, Bhuvanewari. (2020). A Study on Issues and Challenges in The Protection of Human Rights of Dalit Women in India. The International journal of analytical and experimental modal analysis.
6. Venugopal P (2005): The Five-Pronged Battle of Periyar for an Egalitarian Society, The Periyar Self Respect Propaganda Institution, Chennai. 20.
7. Hillary Mayell (2003): "India's "Untouchables" Face Violence, Discrimination", National Geographic News, June 2.
8. Twelfth Five Year Plan, Planning Commission of India, Ministry of Finance Government of India

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