

INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]

ISSN: 2584-1513 (Online)

Volume 2 | Issue 2 [2024] | Page 1-8

© 2024 International Journal of Legal Studies and Social Sciences

Follow this and additional works at: <https://www.ijlsss.com/>

In case of any queries or suggestions, kindly contact editor@ijlsss.com

CRIMES AGAINST SCHEDULED CASTES AND TRIBES

- Nancy Roy¹

ABSTRACT

One of the most delicate subjects in the investigation of crimes in India is the crime against members of the schedule caste and schedule tribe. Even though the topic only recently became sensitive, crime against these socially disadvantaged groups has a long history. The geography of crime's main focus is the study of the geographical distribution of crime since, like other natural and social phenomena, it is spatially unequally distributed. This study aims to examine the prevalence and scope of such crimes in India. The National Crime Record Bureau recently released the crime statistics for the year 2017, which show that some states, like Madhya Pradesh, Maharashtra, and Rajasthan, are more likely to commit crimes against tribes, while other states, including Bihar, Madhya Pradesh, and Uttar Pradesh, commit more crimes against scheduled tribes.

INTRODUCTION

Crimes against “Scheduled Castes and Scheduled Tribes (SC/ST)” are unfortunately prevalent in India, despite the existence of legal provisions and policies to protect these marginalized communities. The SC/ST communities have been historically oppressed and discriminated against based on their caste and tribal identity. The Indian Constitution recognizes this and provides special provisions for their protection, including the “Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act”, 1989, which criminalizes discrimination and violence against them. However, despite these protective measures, instances of violence, discrimination, and atrocities against SC/ST communities continue to occur across the country. This highlights

¹Student, KIIT School of Law, India.

the urgent need for greater awareness, education, and accountability to address these crimes and ensure the safety and dignity of the SC/ST communities.

The phrase "Scheduled Castes" has a legal meaning. To provide legislative protections and other benefits, the British added a Schedule to the Government of India Act in 1935 that included a list of the lowest-ranking Hindu castes. The term "Scheduled Castes" only has political, legal, and administrative significance in certain contexts. Even while the communities may have comparable issues, they frequently disagree greatly. Only when addressing components of this relationship with the government can they rightfully be classified as a single category because they were "planned" by the government (Dushkin,1967). the government's relationship (Dushkin,1967).

Almost 700 communities of scheduled tribes were included, and despite their intercultural distinctions, they share the same degree of deprivation as non-tribal people (Srivastava, 2008). Crime is described as a deviant behaviour against the established standards and legislation. Given the lengthy history of oppressive behaviour against these two subgroups in India, offences against them are extremely sensitive there.

CONCEPTUALISATION

Crimes against Schedule Castes and Schedule Tribes in India refer to the acts of violence, discrimination, and humiliation perpetrated against individuals belonging to these marginalized communities. These crimes are often committed by members of dominant castes and tribes who use their power and influence to subjugate and oppress vulnerable individuals.

To protect the rights of Scheduled Castes and Scheduled Tribes and to stop crimes against them, the Indian Constitution offers legal safeguards. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, sometimes referred to as the Atrocities Act, was passed to give the constitutional clauses additional force and to make sure that those responsible for these crimes are held accountable and punished.

Crimes against Scheduled Castes and Scheduled Tribes can take various forms, including physical assault, rape, murder, forced labour, social boycott, land grabbing, and denial of access to public amenities. These crimes not only cause immense harm to the victims and their families but also

undermine the social fabric of the country and perpetuate a culture of discrimination and injustice.

To address the issue of crimes against “Scheduled Castes and Scheduled Tribes”, it is essential to raise awareness about the rights of these communities, promote social inclusion and empowerment, and ensure strict implementation of the legal provisions. It is also necessary to sensitize the law enforcement agencies, judiciary, and society at large about the gravity of these crimes and the need for prompt and effective action to prevent them.

LITERATURE REVIEW

Crimes against Scheduled Castes and Scheduled Tribes (SC/ST) have been a significant issue in India for many years. These marginalized communities have historically suffered from discrimination and oppression, leading to their social and economic marginalization. This literature review aims to explore the various aspects of crimes against SC/ST, including the prevalence of such crimes, their causes, consequences, and measures taken by the government to address them.

PREVALENCE OF CRIMES AGAINST SC/ST

Several studies have been conducted to assess the prevalence of crimes against SC/ST in India. One such study by “the National Crime Records Bureau (NCRB)” found that crimes against SC/ST increased by 7.3% in 2019 compared to the previous year. The report also found that the conviction rate for such crimes was 32.8%, lower than the national average of 50%. Another study by the Centre for the Study of Developing Societies (CSDS) found that one in every three SC/ST households reported facing discrimination, and one in every four reported facing physical violence.

CAUSES OF CRIMES AGAINST SC/ST

The causes of crimes against SC/ST are multifaceted and complex. One significant cause is the deeply ingrained caste system, which has perpetuated the marginalization and discrimination of these communities for centuries. A study by the International Dalit Solidarity Network found

that the caste system creates a hierarchical social order that puts SC/ST at the bottom, making them vulnerable to discrimination and violence.

Another cause of crimes against SC/ST is the lack of awareness and education. Many individuals in India are unaware of the legal protections provided to SC/ST communities, leading to their violation. A study by the Indian Institute of Dalit Studies found that lack of awareness among police personnel is a significant challenge in implementing the Prevention of Atrocities Act effectively.

CONSEQUENCES OF CRIMES AGAINST SC/ST

Crimes against SC/ST have severe consequences on the affected communities. The victims often face physical, emotional, and psychological trauma, leading to long-term health problems. The communities also face social and economic consequences, such as loss of property, land, and employment opportunities. A study by the National Law University, Delhi, found that crimes against SC/ST also lead to a loss of trust in the justice system and increased fear among the affected communities.

MEASURES TAKEN TO ADDRESS CRIMES AGAINST SC/ST

To address crimes against SC/ST, the Indian government has implemented several measures, including the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act makes it illegal to discriminate against or harm SC/ST people, and it establishes special courts to hear cases involving such acts. The National Commission for Scheduled Castes and the National Commission for Scheduled Tribes were both established by the government to safeguard their rights and interests.

Despite these measures, there is a need for greater awareness and education to ensure the effective implementation of these policies. Several studies have suggested the need for specialized training of police personnel to address the challenges of crimes against SC/ST. The CSDS study suggested the need for greater representation of SC/ST in public institutions and the media to create awareness and promote their rights and interests.

OBJECTIVES OF THE STUDY

- To describe the trends of Atrocities/Crime against Scheduled Castes and Scheduled Tribes
- Measures to lower the Crime rates against Schedule Caste and Schedule Tribes.

METHODOLOGY

PRIMARY SOURCE- The National Crime Record Bureau

SECONDARY SOURCE- “The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act”, 1989, The Hindustan Times Article, Research Gate Article, The Indian Express Article, National Commission for Schedule Tribes, Ministry of Social Justice and Empowerment article

FINDINGS

According to the National Crime Records Bureau (NCRB), the number of crimes committed against SCs and STs in India has increased in recent years. In 2019, a total of 45,935 cases were registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which was an increase of 7.3% compared to the previous year. Among these cases, 11,829 cases were registered under the ST category, and 34,106 cases were registered under the SC category.

Some of the common types of crimes committed against the SCs and STs include murder, rape, assault, kidnapping, and arson. In addition to these, there have been instances of atrocities such as social boycotts, denial of access to public places, and forcing SCs and STs to do menial work.

The NCRB report also highlights that most of the crimes against the SCs and STs are committed in rural areas. Uttar Pradesh, Rajasthan, and Bihar are among the states with the highest number of crimes against SCs and STs. However, it is worth noting that the reporting of such crimes is often low, and many incidents go unreported due to social, economic, and political pressures.

The Indian government has taken several steps to prevent and address crimes against SCs and STs, including the establishment of special courts, appointment of special public prosecutors, and setting up helplines for victims. However, more needs to be done to ensure the safety and security of these communities and to eliminate discrimination based on caste and tribe. In conclusion, the crimes against the SCs and STs in India are a grave concern, and concerted efforts are needed to prevent and address such atrocities.

RECOMMENDATIONS/SUGGESTIONS

The crimes against Schedule Castes and Schedule Tribes (SC/ST) in India are a grave issue that needs to be addressed systematically. Here is a methodology that can be followed to curb such crimes:

Awareness: The first step towards addressing the issue of crimes against SC/ST is to spread awareness about their rights and the laws that protect them. This can be done through campaigns, posters, and other media. The awareness campaign must cover both the victims and the perpetrators of such crimes.

Training: The police force must be trained to deal sensitively with cases of crimes against SC/ST. The training should include an understanding of the laws, the history of discrimination against SC/ST, and how to handle cases of violence against them.

Reporting mechanism: A strong reporting mechanism must be set up for victims of crimes against SC/ST. The mechanism should include a toll-free helpline number and a dedicated team of trained professionals to handle complaints. The reporting mechanism should also be available online for ease of access.

Quick response: Once a complaint is received, the response time should be quick. The victim should be provided with immediate medical assistance, and the police should initiate an investigation without delay.

Investigation: The investigation should be conducted in a fair and unbiased manner. The police must gather evidence, interview witnesses, and record statements. Special attention should be given to cases where the victim is unable to speak due to fear or trauma.

Trial: The trial of the case should be conducted in a fast-track court to ensure speedy justice. The victim should be provided with legal aid if necessary, and the trial should be conducted in a language that the victim understands.

Rehabilitation: The victims of crimes against SC/ST should be provided with rehabilitation and support services. This includes medical assistance, counselling, and financial support. The rehabilitation process should be monitored to ensure that the victim can lead a normal life.

Punishment: The perpetrators of crimes against SC/ST should be punished according to the law. The punishment should be severe enough to act as a deterrent to others who may be contemplating similar crimes.

Prevention of crimes: The first suggestion is to prevent crimes against SCs and STs by improving their socio-economic conditions, and providing them equal opportunities and access to education, health, and employment. This will reduce their vulnerability to exploitation, discrimination, and violence.

Legal measures: The second suggestion is to strengthen the legal framework and ensure strict enforcement of laws such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and other relevant laws. This will ensure that the perpetrators of such crimes are brought to justice and given appropriate punishment.

Social awareness: The third suggestion is to promote social awareness and inclusion of SCs and STs by educating the public about their rights and sensitizing them towards their issues. This will help in creating a more inclusive society where these marginalized communities are treated with dignity and respect.

Monitoring and evaluation: The fourth suggestion is to establish a robust monitoring and evaluation mechanism to track the progress and effectiveness of the measures taken to prevent and address crimes against SCs and STs. This will ensure that the objectives are met and the outcomes are sustainable.

Overall, the suggestion is to ensure that SCs and STs are not subjected to any form of discrimination, violence or atrocities and can live with dignity, security and equality in a just and inclusive society.

CONCLUSION

Crimes against Schedule Castes and Schedule Tribes in India remain a persistent and pressing issue that requires urgent attention and action. Despite the constitutional safeguards and legal protections in place, cases of violence, discrimination, and atrocities against marginalized communities continue to occur with alarming frequency.

The issue of caste-based violence and discrimination is deeply rooted in India's social and cultural fabric and cannot be resolved overnight. However, the government and society must take concrete steps to address this issue, including strengthening legal provisions, improving law enforcement, and promoting social awareness and education.

Moreover, it is essential to empower and uplift marginalized communities by providing access to education, healthcare, employment, and other essential services. By doing so, we can work towards building a more just and equitable society where every individual is treated with dignity and respect, regardless of their caste or ethnicity. Crimes against Schedule Castes and Schedule Tribes in India are a grave violation of human rights, and it is our collective responsibility to ensure that such injustices are eradicated from our society. Only by working together can we create a more inclusive and harmonious India for all.