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## VICTIMS OF SCHEDULED CAST AND SCHEDULED TRIBE

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Ritesh Raj V K, The Tamil Nadu Dr Ambedkar Law University

### ABSTRACT

One of the most persistent human-rights problems in India is the continued victimisation of Scheduled Castes (SCs) and Scheduled Tribes (STs). Despite progressive constitutional guarantees and targeted statutes—most notably the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989—caste-based discrimination and violence remain pervasive in both rural and urban settings. Members of SC/ST communities continue to endure physical violence, economic exploitation, social ostracism, sexual abuse, loss of land, and institutional neglect. Their victimhood is not merely individual misfortune but is rooted in entrenched social hierarchies and structural inequality.

This article examines the conceptual, legal, social, and institutional dimensions of SC/ST victimisation. It traces historical marginalisation and contemporary abuses, identifies gaps in criminal responses and shortcomings in policing, and highlights obstacles victims face in seeking redress. The discussion includes major judicial trends that have shaped protective mechanisms. The paper concludes with policy-oriented recommendations aimed at enhancing victims' rights, improving accountability, and achieving substantive equality.

**Keywords:** Scheduled Castes, Scheduled Tribes, Victimisation, Atrocities Act, Caste Discrimination, Human Rights, Social Justice, Constitutional Protections, Criminal Law, Marginalisation.

## INTRODUCTION

Scheduled Castes and Scheduled Tribes rank among India's most disadvantaged groups, their marginalisation grounded in centuries of structural inequality, exclusion, and denial of dignity. For Dalits, the caste system enforced rigid hierarchies that consigned them to degrading roles, justified by ideas of purity and pollution. Tribal marginalisation grew from displacement, isolation, and cultural disintegration. Even with constitutional safeguards and affirmative policies, many continue to live under conditions of vulnerability and recurrent victimisation. The problem is structural rather than merely criminal.

Violence and offences against these communities are often driven by assertions of caste superiority, contests over land and resources, control over labour, and resistance to social mobility or inter-group relationships. Such acts are not incidental crimes but intentional, symbolic assaults intended to reassert hierarchical order. Recognising this, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was enacted to address the structural nature of these harms and to provide stringent deterrents.

The Constitution, through Articles 14, 15, 17, 21, and 46,<sup>1</sup> guarantees equality, prohibits discrimination, abolishes untouchability, protects the right to life with dignity, and directs the State to promote SC/ST educational and economic interests. However, lapses in enforcement, police insensitivity, socio-economic dependence, political interference, and fear of retaliation discourage victims from seeking justice.

A comprehensive understanding of SC/ST victimisation requires historical, sociological, legal, economic, and institutional perspectives. This section sets the stage for exploring how caste-based oppression persists and why robust legal and administrative frameworks are necessary to protect and empower marginalised groups.<sup>2</sup>

## HISTORICAL BACKGROUND OF SC/ST VICTIMISATION.

- The Caste order and social subjugation of Scheduled Castes.

Victimisation of Scheduled Castes originates in the rigid caste hierarchy that branded them as

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<sup>1</sup> Constitution of India, arts. 14–17, 21, 46.

<sup>2</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989, India Code.

“untouchables,” outside the traditional varna system. This status justified extreme exclusion—barred access to temples, communal roads, water sources, and schools—and forced settlement at village margins. Many were confined to hereditary occupations such as manual scavenging, carcass removal, servitude, and bonded labour, stripping them of dignity and economic autonomy. Social norms, reinforced by religious prescriptions and caste panchayats, meant any transgression could trigger violent reprisals. Collective sanctions and ritualised humiliation normalised and enforced oppression.

- Past marginalisation and dispossession of Scheduled Tribes.

Scheduled Tribes experienced marginalisation differently. Traditionally living in forested and hilly regions with their own governance systems, tribal autonomy was undermined by colonial interventions. Forest legislation, plantation economies, and revenue measures restricted access to customary resources, criminalised shifting cultivation, and enabled land alienation to outsiders. Certain tribal groups were stigmatized as “criminal tribes,” subjected to surveillance, arbitrary detention and curbs on movement. Lack of education, geographical isolation, and weak political representation left STs vulnerable to exploitation by moneylenders, contractors, and traders, producing cycles of poverty, displacement and cultural erosion that persist.

- **Colonial Policies that Deepened Inequality**

British colonial administration aggravated inequities. Land settlements like the Permanent Settlement and zamindari systems concentrated land in upper-caste hands, resulting in widespread landlessness among SCs. Forest Acts of 1865, 1878 and 1927 curtailed tribal access to forests for grazing, gathering and cultivation, eroding their economic independence. Infrastructure and extraction projects—mines, railways, plantations—displaced tribal communities without adequate compensation. The Criminal Tribes Acts (1871–1924) criminalised entire communities, institutionalising stigma, poverty and state surveillance.<sup>3</sup>

- **Constitutional Interventions in the Post-Independence Period and Their Limits**

After independence, the Constitution sought to redress historic injustices. Articles 14 (equality), 15(1) and 15(4) (non-discrimination and affirmative action), 17 (abolition of untouchability), 21 (right to life and dignity) and 46 (promotion of SC/ST interests) established

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<sup>3</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989, India Code.

a legal foundation for justice. The Fifth and Sixth Schedules provided special arrangements for tribal autonomy and protection of land and culture. Nevertheless, entrenched social hierarchies and power dynamics impeded effective implementation. Land reforms were partial, caste dominance persisted socially, and administrative indifference often sidelined SC/ST grievances.<sup>4</sup> The persistence of violence and discrimination eventually led to more rigorous statutory measures, culminating in the Atrocities Act, 1989. The historical legacy continues to shape contemporary victimisation and underscores the need for targeted legal and social interventions.

## **VICTIMIZATION OF SC/ST COMMUNITIES PATTERNS**

Scheduled Castes and Scheduled Tribes in contemporary India face a spectrum of victimisation—criminal violence, structural exclusion, and socio-economic oppression—reflecting enduring caste hierarchies, power imbalances and institutional failures.

- **Physical Violence, Atrocities, and Symbolic Acts of Domination**

SC/ST groups remain disproportionately subjected to violent crimes intended to reaffirm caste dominance and suppress mobility. These range from assault and murder to public humiliation, social ostracism, and property destruction. Symbolic degrading acts—forcing victims to crawl, drink urine, parading them naked, or subjecting them to public slurs—serve as displays of dominance. Sexual violence against Dalit women is often used to punish or deter challenges to caste power, occurring when communities assert rights, contest elections, demand wages, acquire land, or enter inter-caste unions. Such offences aim to re-establish hierarchies and intimidate those who challenge the status quo.<sup>5</sup>

- **Economic Exploitation and Forced Dependence**

Economic victimisation manifests as land dispossession, wage theft, debt bondage, forced labour and restricted access to opportunities. Many SCs are landless agricultural labourers dependent on dominant-caste employers who use economic coercion—wage manipulation, unpaid labour, exploitative tenancy—to maintain control.<sup>6</sup> ST livelihoods are threatened by

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<sup>4</sup> Protection of Civil Rights Act, No. 22 of 1955, India Code.

<sup>5</sup> Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, India Code.

<sup>6</sup> Panchayats (Extension to Scheduled Areas) Act, No. 40 of 1996, India Code.

mining, dams and commercial forestry, leading to displacement. Illegal land transfers, fraudulent contracts and outsider pressure further erode economic security, driving cycles of poverty and dependence.

- **Social Exclusion, Boycott and Denial of Public Goods**

Members of SC/ST groups often face social boycotts and restricted access to public goods. Segregated burial grounds, separate water sources, and exclusion from temples or village festivals persist in many areas. Tribal communities frequently struggle to access healthcare, education, forest resources and government schemes. Social boycott functions as punishment when victims try to report crimes or assert rights, denying them essential services and inflicting humiliation.<sup>7</sup>

- **Institutional Victimisation and Barriers to Justice**

State institutions can be sources of victimisation. Police may refuse to register FIRs under the Atrocities Act or downgrade charges to protect powerful offenders. Investigations may be delayed, witnesses intimidated, legal aid inadequate and trials hostile.<sup>8</sup> Courts may impose unrealistic evidentiary demands or overlook caste dynamics. These systemic barriers discourage reporting and contribute to low conviction rates under the Act. Institutional bias, combined with victims' financial dependence on local powerholders, perpetuates exploitation.

- **Gendered Dimensions of Victimisation**

SC/ST women face compounded discrimination—both caste- and gender-based. They are disproportionately exposed to sexual violence, trafficking, domestic servitude and workplace harassment. Dalit women often suffer sexual assault as communal punishment; tribal women face heightened risk of trafficking, exploitation on plantations and abuse by security forces in conflict-affected regions. The intersection of caste and patriarchy produces intensified forms of victimisation.

- **Political Suppression and Retaliation Against Assertion**

As SC/ST persons gain political representation, backlash and repression have increased.

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<sup>7</sup> Criminal Tribes Act, No. 27 of 1871 (repealed).

<sup>8</sup> State of Karnataka v. Appa Balu Ingale, (1995) 2 SCC 273.

Elected Dalit representatives can encounter violence, obstruction, denial of authority or forced resignation. Efforts to hold officials accountable can provoke collective reprisals. Inter-caste marriages, especially between Dalit men and upper-caste women, sometimes lead to honour-based violence. These patterns reflect resistance to growing social and political assertion by marginalised groups.<sup>9</sup>

## LEGAL FRAMEWORK FOR THE PROTECTION OF SC/ST VICTIMS

India has developed a layered constitutional and statutory framework to combat caste-based discrimination and violence. This framework comprises constitutional guarantees, protective statutes, penal provisions, welfare schemes and judicial measures intended to secure substantive equality and victims' access to justice.

- **Constitutional Protection of the Constitution**

The Constitution provides enforceable rights and directive principles to protect SC and ST interests. Key provisions include:

**Article 14:** Equality before the law and equal protection.

**Article 15(1):** Prohibition of discrimination on grounds including caste.

**Article 15(4):** Power to make special provisions for socially and educationally backward classes, including SCs and STs.

**Article 16(4):** Reservation in public employment for disadvantaged groups.

**Article 17:** Abolition of untouchability and criminalisation of its practice.

**Article 21:** Right to life and personal liberty, encompassing dignity and protection from violence.

**Article 46:** State duty to promote educational and economic interests of SCs and STs and protect them from social injustice and exploitation.

**Fifth and Sixth Schedules:** Special governance arrangements for tribal areas to

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<sup>9</sup> State of M.P. v. Ram Krishna Balothia, (1995) 3 SCC 221.

safeguard land, culture and autonomy.

Taken together, these provisions impose a constitutional obligation to eliminate caste oppression.<sup>10</sup>

- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

The Atrocities Act, 1989, is a principal legislative response to persistent atrocities and structural discrimination. It recognises that offences against SCs and STs are distinct from ordinary crimes, aiming to humiliate or subordinate victims to maintain caste hierarchies. Notable features include:

- Creation of specific offences (caste-based humiliation, social boycott, sexual assault, land grabbing, forced labour, destruction of property).<sup>11</sup>
- Enhanced punishments for such atrocities.
- Establishment of Special and Exclusive Special Courts for expedited trials.
- Obligation to register FIRs without delay.
- Provisions for protection of victims and witnesses, including legal, financial and security support.
- Vicarious liability for public servants who fail in their duties.

Amendments in 2015 and 2018 sought to plug procedural gaps and broaden protections.

- **Protection of Civil Rights Act, 1955**<sup>12</sup>

This Act operationalises Article 17 by penalising untouchability in any form. It prohibits:

- Denial of access to public places (shops, restaurants, roads).

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<sup>10</sup> Constitution of India arts. 14–17, 21, 46.

<sup>11</sup> Protection of Civil Rights Act, No. 22 of 1955, India Code.

<sup>12</sup> Protection of Civil Rights Act, No. 22 of 1955, India Code.

- Restriction on use of wells, tanks and bathing ghats.
- Refusal to sell goods or render services on caste grounds.
- Forcing SCs to perform degrading tasks.

Although narrower in scope than the Atrocities Act, it remains a fundamental anti-caste statute.

- **Protections of the Indian Penal Code, 1860**<sup>13</sup>

Several IPC provisions are relevant in crimes against SCs and STs, including:

Sections 299–304: Homicide and culpable homicide.

Section 354: Outraging a woman's modesty.

Section 376: Rape.

Sections 323, 324, 326: Assault and causing hurt.

Section 506: Criminal intimidation.

Section 120B: Criminal conspiracy.

When offences are caste-motivated, these provisions operate alongside the Atrocities Act.

- **Land and Livelihood Protection for Scheduled Tribes**<sup>14</sup>

STs receive legal safeguards aimed at preventing land alienation and protecting livelihoods, such as:

Forest Rights Act, 2006: Recognition of individual and community forest rights.

Panchayats (Extension to Scheduled Areas) Act, 1996: Local governance powers for

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<sup>13</sup> Protections of the Indian Penal Code, 1860

<sup>14</sup> Land and Livelihood Protection for Scheduled Tribes

tribal areas, including decisions over land use.

State laws restricting sale of tribal land to non-tribals.

These measures seek to reverse historical dispossession and restore autonomy.

- **Guidelines on Protection of Victims and Witnesses**

Courts have repeatedly emphasised special measures for victims and witnesses in caste atrocity cases, including:

- Safe housing and relocation.

- Financial assistance.

- Police protection.

- Fast-track trials.

- Minimising direct contact between victims/witnesses and the accused.

Such protections acknowledge victims' heightened vulnerability.

## **MAJOR JUDICIAL PRECEDENTS ON SC/ST VICTIMISATION**

The judiciary has played a pivotal role in interpreting constitutional guarantees and reinforcing protections for SCs and STs, clarifying statutory scope, and strengthening victims' rights. Key decisions illustrate evolving judicial approaches.

- a) **State of Karnataka v. Appa Balu Ingale (1995)<sup>15</sup>**

The Supreme Court condemned caste discrimination in strong terms, upholding convictions of dominant-caste individuals who denied Dalits access to a public water tank. It reaffirmed that untouchability, direct or indirect, is intolerable and called for strict enforcement of laws protecting Scheduled Castes.

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<sup>15</sup> State of Karnataka v. Appa Balu Ingale, (1995) 2 SCC 273.

**b) State of M.P. v. Ram Krishna Balothia (1995)<sup>16</sup>**

The Court upheld the constitutional validity of the Atrocities Act, recognising crimes against SCs and STs as outcomes of institutionalised caste oppression. It justified stringent provisions, including limited scope for anticipatory bail, as necessary to redress historic injustice and protect vulnerable persons.

**c) Lata Singh v. State of Uttar Pradesh (2006)<sup>17</sup>**

Addressing violence against inter-caste couples, the Court affirmed the legality and social significance of inter-caste marriage, ordering police protection for adult couples threatened with communal or familial harassment, and recognising such unions as instruments of social equality.

**d) Subhash Kashinath Mahajan v. State of Maharashtra (2018)<sup>18</sup>**

This controversial ruling introduced procedural safeguards viewed as diluting the Atrocities Act, including:

- Preliminary inquiry before FIR registration.
- Requirement of senior police approval before arrest.
- Concerns about potential misapplication of the Act.

**e) Union of India v. State of Maharashtra (2018 Amendment Case)<sup>19</sup>**

Parliament responded by amending the Act in 2018, and the Supreme Court upheld these amendments, restoring provisions for:

- Immediate FIR registration.
- Arrest without prior approvals.

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<sup>16</sup> State of M.P. v. Ram Krishna Balothia, (1995) 3 SCC 221.

<sup>17</sup> Lata Singh v. State of Uttar Pradesh, (2006) 5 SCC 475.

<sup>18</sup> Subhash Kashinath Mahajan v. State of Maharashtra, (2018) 6 SCC 454.

<sup>19</sup> Union of India v. State of Maharashtra, (2020) 4 SCC 761.

- No mandatory preliminary inquiries.
- Recognition of caste-hostility presumptions where appropriate.

This reaffirmed the Act's preventive and protective objectives.

**f) Khuman Singh v. State of Madhya Pradesh (2019)<sup>20</sup>**

The Court held that, for offences to attract the Atrocities Act, the accused must have knowledge of the victim's caste identity at the time of the offence. While ensuring the Act's proper application, this raised questions about standards of proof and evidentiary challenges.

**g) Prithvi Raj Chauhan v. Union of India (2020)<sup>21</sup>**

On anticipatory bail under the Act, the Supreme Court permitted such relief only in exceptional cases where allegations are *prima facie* false or motivated, maintaining the Act's restrictive posture while preserving limited judicial discretion.

**h) Hinsa Virodhak Sangh v. Mirzapur Moti Kuresh Jamat (2008)<sup>22</sup> — Contextual Recognition of Marginalisation<sup>23</sup>**

Although not an SC/ST case, the ruling emphasised that laws must respond to the specific disadvantages suffered by historically oppressed communities and that affirmative measures are often necessary to achieve substantive equality.

**i) Nandini Sundar v. State of Chhattisgarh (2011) — Protection of Tribal Rights**

The Court condemned state-sponsored vigilante violence against tribal communities in conflict areas, holding the State responsible for protecting tribal rights against exploitation, forcible displacement and rights violations, invoking Articles 14, 21 and 46.

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<sup>20</sup> Khuman Singh v. State of Madhya Pradesh, (2019) 17 SCC 94

<sup>21</sup> Prithvi Raj Chauhan v. Union of India, (2020) 4 SCC 727.

<sup>22</sup> Nandini Sundar v. State of Chhattisgarh, (2011) 7 SCC 547

<sup>23</sup> Hinsa Virodhak Sangh v. Mirzapur Moti Kuresh Jamat, (2008) 5 SCC 33.

## SC/ST VICTIMS' CHALLENGES IN ACCESS TO JUSTICE.

- **Fear of Retaliation and Social Boycott**

Many SC/ST victims hesitate to report offences because they dread violent retaliation and social exclusion by dominant groups. In rural areas, local powerholders often control land, employment and essential resources; complaining can invite threats, arson, forced displacement or long-term ostracism. Social boycott—denying access to labour markets, transport and welfare—serves as a punitive tool, silencing victims and entrenching dependency.<sup>24</sup>

- **Police Bias and Charging Dilution**

Police prejudice is a major obstacle. Officers frequently refuse to register FIRs under the Atrocities Act, mis record events, or choose IPC sections over atrocity provisions, thereby avoiding tougher sanctions. Investigations may be stalled, tampered with or influenced by powerful perpetrators, resulting in weak charge sheets, biased prosecutions and low conviction rates—eroding trust in the justice system.

- **Economic Dependency and Financial Insecurity**

Economic vulnerability deters many victims from pursuing legal remedies. SC households often rely on dominant-caste employers; ST livelihoods depend on forest resources now threatened by outside actors. Reporting crimes can trigger loss of employment, wages, livestock or crops. The resulting financial pressure forces many to settle cases informally or abandon claims altogether.<sup>25</sup>

- **Witness Intimidation and Lack of Protection**

Witnesses in caste atrocity cases face threats and coercion. Although the Act and rules envisage witness protection, implementation is often inadequate—safe housing, relocation, long-term security and psychological support are seldom provided. Consequently, witnesses are frequently coerced into turning hostile, undermining

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<sup>24</sup> National Commission for Scheduled Castes, Annual Report (Government of India, various years).

<sup>25</sup> National Commission for Scheduled Tribes, Annual Report (Government of India, various years).

convictions.

- **Procedural Delay and the Failure of Special Courts**

Despite the law's provision for Special Courts, many states lack functional Exclusive Special Courts. Shortages of trained prosecutors and judges, frequent adjournments, administrative inefficiencies and inadequate infrastructure contribute to prolonged trials, imposing emotional and financial burdens on victims and exacerbating their victimisation.<sup>26</sup>

- **Stigma in Society and Community Pressure**

Social stigma deters reporting. Victims may be branded troublemakers; caste panchayats and community elders often pressure complainants to withdraw cases to "preserve social order." Women victims, especially in sexual-violence cases, face additional family and community pressure to remain silent, perpetuating underreporting.<sup>27</sup>

- **A lack of awareness about legal rights**

Many SC/ST victims are unaware of constitutional protections, the Atrocities Act, or entitlements such as free legal aid, FIR registration rights, victim compensation and rehabilitation. Limited outreach and legal literacy programmes leave victims uninformed and vulnerable to coercion by perpetrators or officials.

- **Inadequate Compensation and Rehabilitation**

Although legal provisions promise compensation and rehabilitation, disbursement is frequently delayed or obstructed by bureaucracy and corruption. Long waits, inadequate assistance with housing, livelihood support or counselling leave victims in prolonged distress and impede recovery.

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<sup>26</sup> National Commission for Scheduled Tribes, Annual Report (Government of India, various years).

<sup>27</sup> United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).

## THE SOCIO-ECONOMIC AND PSYCHOLOGICAL IMPACT OF VICTIMISATION.

The effects of victimisation extend well beyond the immediate physical injury. Long-term socio-economic, psychological and intergenerational consequences deepen marginalisation and perpetuate structural inequality, affecting individuals, families and entire communities.<sup>28</sup>

- **Economic marginalisation and loss of livelihood**

Violence can result in property loss and economic instability. Dominant groups may deny SC/ST victims access to fields, water, grazing land and workplaces. Social boycotts and attacks often lead to loss of wages, cattle, crops, tools and shelter. Tribal displacement from forests and traditional livelihoods leads to chronic poverty, mounting debt and weakened economic resilience.

- **Disrupted education and its relations to the next generation.**

Victimisation disrupts education: children of affected families often drop out due to fear, displacement, stigma or financial strain. Dominant-caste pressure may exclude SC/ST children from schooling or full participation. For tribal children, remoteness, poor infrastructure and language barriers further hinder education. These patterns have long-term intergenerational impacts, limiting social mobility.

- **Psychological Trauma and Mental Health Effects**

Victims frequently suffer severe psychological harm—anxiety, depression, fear and PTSD—stemming from violence, humiliation, sexual assault or destruction of property. Women and children are particularly vulnerable. Limited access to mental health services in rural and tribal areas means trauma remains largely untreated.

- **Social isolation, stigma and loss of dignity**

Victimisation often leads to social isolation and humiliation. Social boycotts and public shaming strip victims of dignity and community support, and many are forced to migrate for safety, losing social networks and protection.

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<sup>28</sup> Truth and Reconciliation Commission of Canada, Final Report (2015).

- **Impact on Women: Intersection of Caste and Gender**

SC/ST women bear compounded burdens from caste and gender discrimination. Sexual violence, trafficking, exploitation and restricted opportunities severely affect their mental and social wellbeing, impeding family stability and diminishing children's prospects.<sup>29</sup>

- **Community-level trauma and collective fear**

Atrocities against individual families generate collective fear across SC/ST communities, eroding trust in institutions, deterring political engagement and discouraging rights-assertion. For tribal communities, repeated displacement and cultural erosion weaken traditional governance and communal resilience.

## **ROLE OF STATE, CIVIL SOCIETY, AND INSTITUTIONS IN PROTECTING SC/ST VICTIMS**

Combating SC/ST victimisation requires coordinated action by the State, police, judiciary, statutory bodies, civil society, media and community institutions. Effective protection depends on active governance, accountability and sustained social intervention.<sup>30</sup>

- **Role of the State and Government Agencies**

The State has the primary duty to prevent atrocities, protect vulnerable populations and ensure justice. Governments must enforce the Atrocities Act, implement welfare programmes, and strengthen administrative machinery—establishing Exclusive Special Courts, appointing trained Special Public Prosecutors, ensuring time-bound investigations and providing rehabilitation. Vigilance and Monitoring Committees at district and state levels must be functional and proactive. Failure by state agencies perpetuates marginalisation.

- **Role of Police and Law Enforcement Authorities**

Police occupy a central role but can also perpetuate victimisation due to bias. Effective

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<sup>29</sup> Aboriginal Land Rights (Northern Territory) Act 1976 (Austl.).

<sup>30</sup> Employment Equity Act 55 of 1998 (S. Afr.).

policing requires prompt FIR registration, impartial investigations, appropriate use of atrocity provisions, and protection for victims and witnesses. Caste-sensitivity training, transparent investigation protocols, disciplinary measures for negligence and recruitment diversity are essential to rebuild trust.

- **Judiciary and Special Courts**

Judicial institutions must provide timely, sensitive trials. Special and Exclusive Special Courts should be fully operational with judges trained on caste dynamics and evidence handling in atrocity cases. Fast-track procedures, technological use for evidence and strict monitoring of pendency will speed up justice. Judicial activism has been instrumental in filling statutory gaps and enforcing protections.

- **National Commissions and Statutory Bodies**

The National Commission for Scheduled Castes and the National Commission for Scheduled Tribes monitor violations, inquire into complaints, recommend prosecutions and review policies. They can intervene where police or bureaucracy fail, but their effectiveness depends on resources, independence and enforcement powers.<sup>31</sup>

- **Civil Society Organisations and Human Rights Groups**

NGOs, Dalit and tribal movements, and human-rights groups play vital roles—documenting abuses, providing legal aid, running awareness campaigns, offering rehabilitation, and monitoring the state. They frequently act as intermediaries between victims and authorities; public interest litigation by civil society has spurred important reforms.<sup>32</sup>

- **Role of Media and Public Awareness Campaigns**

Media exposure is crucial in exposing caste-based crimes and mobilising public opinion. Investigative reporting can highlight administrative failures and catalyse institutional accountability. Local media, community radio and digital campaigns help

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<sup>31</sup> European Convention on Human Rights art. 14 (1950).

<sup>32</sup> Race Equality Directive, Council Directive 2000/43, 2000 O.J. (L 180) 22 (EC).

spread legal literacy, though many rural atrocities remain underreported.

- **Community Institutions and Local Governance Bodies**

Gram panchayats and tribal councils shape local social order. While some promote inclusion, others perpetuate caste hierarchies and block justice. Strengthening inclusive local governance and increasing SC/ST representation can transform these institutions into allies. Sensitisation and legal-awareness programmes at the grassroots can change local norms.

### **SC/ST VICTIMS GOVERNMENT SCHEMES, POLICIES AND SUPPORT MECHANISMS.**

To combat caste discrimination and assist victims, central and state governments have introduced various schemes, welfare measures and institutional supports aimed at financial aid, legal assistance, rehabilitation, social security and empowerment—though success depends on implementation and accessibility.

#### **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.<sup>33</sup>**

The Rules operationalise the Atrocities Act, mandating:

- Immediate FIR registration and expedited investigation.
- Relief, rehabilitation and compensation.
- Appointment of Special Public Prosecutors.
- Formation of State and District Vigilance and Monitoring Committees.
- Protection for victims and witnesses, including security, travel allowances, safe housing and relocation assistance.

These Rules are designed to make the process from complaint to trial more victim-friendly.

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<sup>33</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995

## Relief and Rehabilitation Schemes for Victims

The Central Government provides structured compensation for offences under the Act, disbursed in stages (initial, interim, final). States supplement with shelter, food, clothing and livelihood support. Victims are entitled to:

- Immediate monetary relief after FIR registration.
- Free medical treatment in government hospitals.
- Educational support for children.
- Legal aid and representation.
- Assistance to repair destroyed houses or assets.

Delays and bureaucratic hurdles often limit the schemes' effectiveness.

## Legal Aid Services under the Legal Services Authorities Act, 1987

SC/ST victims can access free legal aid from District, State and National Legal Services Authorities, which provide representation, counselling and legal camps (including lok adalats). Strengthening legal aid helps mitigate economic barriers to justice.<sup>34</sup>

## The Scheduled Castes Sub-Plan and Tribal Sub-Plan

These dedicated budgetary plans allocate funds for education, health, housing, skill development and livelihoods for SC and ST communities. Effective targeting and monitoring are essential to translate funds into real socio-economic gains.

## National Safai Karamcharis Finance and Development Corporation

This body assists former manual scavengers and sanitation workers—many from SC communities—through financial aid, vocational training, entrepreneurship support and rehabilitation, complementing the Prohibition of Employment as Manual Scavengers and Their

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<sup>34</sup> Legal Services Authorities Act, No. 39 of 1987, India Code.

Rehabilitation Act, 2013.<sup>35</sup>

### **Scheduled Tribes Programme: Forest Rights and Livelihood Protection**

Tribal welfare initiatives include implementation of the Forest Rights Act, Vanbandhu Kalyan Yojana, Eklavya Model Residential Schools, support for Minor Forest Produce, and state laws protecting tribal land. These aim to secure land, livelihoods and cultural survival.<sup>36</sup>

### **Stand-Up India, schemes for Entrepreneurship and Economic Empowerment**

Schemes like Stand-Up India, Pradhan Mantri Mudra Yojana and state entrepreneurship programmes offer loans, subsidies and skill training to SC/ST entrepreneurs. Financial inclusion and enterprise support reduce vulnerability to caste-based economic domination.

### **The functions of Departments of Social Welfare and Committees of District Levels.**

District Social Welfare Offices and special SC/ST cells manage relief, register atrocities, educate communities and supervise implementation of the Act and Rules. Effective district coordination determines whether victims receive timely benefits.

### **A DESIGN IN THE GAPS OF IMPLEMENTATION AND THE RELIANCE OF THE SYSTEM**

Although legal frameworks, specialised institutions and welfare programmes exist, weak compliance undermines protection. These gaps point to deep structural failures in administration, law enforcement and societal attitudes; understanding them is key to ensuring laws deliver justice.<sup>37</sup>

### **Inadequate Enforcement of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

Despite its strength on paper, implementation of the Act is inconsistent. Police often misregister cases, investigations are delayed or perfunctory, and Special Courts are not uniformly

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<sup>35</sup> Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, India Code.

<sup>36</sup> Vanbandhu Kalyan Yojana Guidelines, Ministry of Tribal Affairs, Government of India (2014).

<sup>37</sup> National Safai Karamcharis Finance and Development Corporation, Annual Reports (Govt. of India).

constituted. Such failures erode deterrence and foster impunity.

### **Poor Functioning of Vigilance and Monitoring Committees**

State and district Vigilance and Monitoring Committees are mandated to review cases and coordinate agencies, but in many areas they meet irregularly or are inactive. Weak oversight allows systemic negligence to continue without redress.

### **Lack of Police Sensitisation and Accountability**

Absence of caste-sensitivity training among police and limited accountability for discriminatory conduct perpetuate bias. Disciplinary mechanisms are inadequate and mandatory training programmes are lacking, sustaining institutional discrimination.

### **Inadequate Witness Protection and Support Systems**

Although rules provide for witness protection, practical measures—safe housing, relocation and sustained security—are often missing. Witnesses face intimidation and may turn hostile, undermining prosecutions.

### **Insufficient Rehabilitation and Delays in Compensation**

Bureaucratic delays, corruption and inter-departmental lapses frequently stall compensation and rehabilitation. In the absence of timely assistance, victims cannot rebuild their lives.<sup>38</sup>

### **Weak Infrastructure and Shortage of Judicial Personnel**

Special Courts often lack infrastructure, judges and trained prosecutors are scarce, and judicial resources are stretched. These constraints hinder effective prosecution and timely adjudication.

### **Low Public Awareness and Limited Legal Literacy**

Many victims are unaware of constitutional protections and statutory entitlements. Limited outreach and legal literacy programmes prevent victims from accessing their rights.

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<sup>38</sup> Eklavya Model Residential Schools Scheme, Ministry of Tribal Affairs, Government of India.

### **Political Interference and Local Power Dynamics**

Local political influence and dominance by upper-caste actors can obstruct investigations and shield perpetrators, deterring victims from approaching state institutions.

### **Data Gaps and Inaccurate Reporting of Atrocities**

Underreporting, misclassification and data manipulation obscure the true scale of caste-based violence. Lack of disaggregated, evidence-based data hampers research and policy responses.

### **Socio-Cultural Barriers in Rural and Tribal Areas**

Geographical isolation, transport deficits, language barriers and sparse administrative presence compound access-to-justice challenges in tribal and remote rural areas.

## **COMPARATIVE PERSPECTIVE: GLOBAL PARALLELS IN PROTECTION OF INDIGENOUS AND MARGINALISED COMMUNITIES.**

Examining international responses to indigenous and marginalised communities offers useful lessons for India. Several countries have adopted specialised legal, constitutional and policy measures to address historical injustices, violence and exclusion.<sup>39</sup>

#### **a) US, Canada and Australian indigenous communities.**

Indigenous peoples in the US, Canada and Australia face issues comparable to India's Scheduled Tribes—dispossession, cultural erosion and neglect. Responses have included institutions and processes like:

- The Native American Rights Fund (US).
- Canada's Truth and Reconciliation Commission.
- Australia's Aboriginal Land Rights (Northern Territory) Act, 1976.

Such mechanisms focus on land rights, cultural self-determination and socio-economic development. Nonetheless, indigenous populations worldwide continue to experience

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<sup>39</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (as amended).

poverty and marginalisation, indicating that legal protections alone are insufficient without sustained political and institutional commitment.<sup>40</sup>

#### **b) South Africa and Brazil's Affirmative Action Models**

Post-apartheid South Africa instituted robust anti-discrimination frameworks and affirmative policies (e.g., Employment Equity Act). Brazil implemented racial quotas in universities and public employment to address Afro-Brazilian disadvantage. These redistributive measures parallel India's reservation system and underscore that reparative policies are essential to address historical injustices, though debates persist about their long-term effectiveness.<sup>41</sup>

#### **c) Anti-Discrimination Laws in Europe**

European human-rights instruments, such as the European Convention on Human Rights and the Race Equality Directive, strengthen anti-discrimination norms. While Europe does not contend with caste *per se*, its approaches to combating racist violence and protecting minorities offer lessons for hate-crime frameworks and institutional accountability.

#### **d) United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**

UNDRIP recognises indigenous peoples' rights to self-determination, land, culture and protection from displacement—principles resonant with tribal aspirations in India. The Declaration emphasises autonomy in governance, land and resource rights, cultural preservation, protection from forced displacement and meaningful participation in decision-making. India's Forest Rights Act incorporates some of these principles, though implementation remains uneven.<sup>42</sup>

- Lessons for India from Global Practice**

Key takeaways include:

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<sup>40</sup> See National Crime Records Bureau, *Crime in India* (various years), Ministry of Home Affairs, Government of India (showing data on atrocities against SCs and STs).

<sup>41</sup> See Ministry of Social Justice & Empowerment, *Handbook on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989* (2020).

<sup>42</sup> Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford Univ. Press 1984).

- Strong laws require effective institutions and enforcement.
- Community participation is essential for meaningful protection.
- Land and livelihood rights underpin empowerment.
- Truth, reconciliation and reparative measures help address historical harms.

A holistic strategy—combining legal, economic and cultural remedies—tends to be more effective than purely punitive approaches. India's comprehensive legal framework is notable, but international comparisons highlight the need for sustained political will, institutional capacity and societal change.

### **Policy Recommendations for Strengthening Protection of SC/ST VICTIMS.**

To safeguard the dignity and rights of SCs and STs, a multi-pronged reform agenda is required—addressing legal, administrative, socio-economic and institutional deficits that hinder protection.<sup>43</sup>

#### **1) Enhancing Law Enforcement and Police Accountability**

Mandatory caste-sensitivity and human-rights training for police, together with instruction on procedural obligations under the Atrocities Act, should be institutionalised. Creating specialised SC/ST protection units, penalising officers who refuse to register FIRs or dilute charges, and promoting diversity within police forces can reduce bias. Independent oversight and real-time monitoring mechanisms are necessary to ensure accountability and transparency.

#### **2) Strengthening Witness Protection and Supporting Survivors' Safeguarding of Witness Protection and Victims' assistance.**

A robust witness-protection system is essential to prevent intimidation and secure evidence. Measures should include safe housing, relocation, psychological support and sustained police protection. Each district should establish dedicated victim support cells to coordinate relief, rehabilitation and legal aid. Faster implementation of the Atrocities

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<sup>43</sup> Christophe Jaffrelot, India's Silent Revolution: The Rise of the Lower Castes in North India (Permanent Black 2003).

Rules and prompt disbursal of compensation will ease victims' economic and psychological burdens.<sup>44</sup>

### **3) Strengthening Special Courts and Judicial Capacity**

Governments must constitute adequate numbers of Exclusive Special Courts and train judicial officers and Special Public Prosecutors in atrocity law. Fast-track procedures, rigorous monitoring of case backlogs, use of technology for evidence recording and measures to reduce adjournments will expedite trials. Judicial sensitisation programmes can help judges contextualise caste crimes within their social and historical frameworks.

### **4) Increasing the number of social welfare and rehabilitation schemes.**

Rehabilitation should encompass immediate relief and long-term support—scholarships for victims' children, restoration of homes, housing assistance and job-placement programmes. Strengthening and monitoring the Scheduled Castes Sub-Plan and Tribal Sub-Plan will ensure targeted development funding. Effective implementation of the Forest Rights Act is crucial for tribal land and livelihood security.<sup>45</sup>

### **5) Legal literacy and community awareness**

Legal-awareness initiatives must be intensified through schools, colleges, gram sabhas, community centres and digital platforms to inform SC/ST communities of their rights and available remedies. NGOs and social workers should partner with government bodies to run workshops on complaint procedures, free legal support and compensation mechanisms.

### **6) Observation, Data Acquisition and Research**

Better, disaggregated data on caste-based crimes is essential for evidence-based policymaking. States should develop unified digital platforms to track FIRs,

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<sup>44</sup> Surinder S. Jodhka, *Caste in Contemporary India* (Routledge 2015).

<sup>45</sup> Ghanshyam Shah, Harsh Mander, Satish Deshpande & Amita Baviskar, *Untouchability in Rural India* (Sage Publications 2006).

investigations, compensation payments, witness protection and trial progress. Independent research should regularly evaluate incidence, judicial outcomes and policy effectiveness.<sup>46</sup>

## 7) Community-Based Interventions and Social Transformation.

Sustained social change requires challenging caste hierarchies through education, dialogue and grassroots engagement. Inclusive programmes that promote inter-caste exchange, human-rights education in schools, and sensitisation of dominant-caste communities can alter social norms. Strengthening SC/ST representation in local governance bodies will enhance grassroots empowerment.<sup>47</sup>

## 8) Economic Empowerment and Poverty Reduction Projects.

Economic autonomy reduces vulnerability. Expanding access to entrepreneurship schemes, skill development, subsidised credit and employment opportunities will bolster SC/ST households. Special emphasis on land rights, forest-based livelihoods and market access for minor forest produce is vital for tribal communities, weakening caste-based economic control.

## CONCLUSION

Victimisation of Scheduled Castes and Scheduled Tribes remains one of India's most deep-rooted human-rights challenges, anchored in centuries of structural oppression, marginalisation and discrimination. While constitutional guarantees and statutes—such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989—provide a legal framework for protection, implementation gaps, institutional failures, and caste-based power structures continue to fuel violence and abuse. The persistence of atrocities, social boycotts, land grabs, sexual offences, political reprisals and institutional bias demonstrates that legal measures alone cannot erase historical wrongs in the absence of sustained political will, administrative competence and social transformation.

The justice system often fails victims—through delayed trials, hostile witnesses, police prejudice and procedural lapses. Compensation and rehabilitation mechanisms are frequently

<sup>46</sup> Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables"* (1999).

<sup>47</sup> Amnesty International, *Justice Denied: Dalit Rights Violations in India* (2015).

ineffective, leaving survivors without the means to rebuild. Economic vulnerability, lack of awareness and fear of retaliation silence many victims. Addressing these challenges requires integrated reforms across legislation, social empowerment, economic opportunity and public education. Strengthening accountability, expanding legal literacy, ensuring rigorous enforcement of human-rights norms, and promoting economic and political inclusion are essential for achieving substantive equality.

Protecting SC/ST communities is not only a matter of legal compliance but a test of India's commitment to justice, dignity and constitutional morality. Building an inclusive society entails dismantling caste-based power structures, changing social attitudes, and removing barriers so that all citizens—regardless of caste or tribe—can live free from fear and discrimination. Realising a future in which SC/ST communities fully enjoy their rights and live with dignity requires coordinated action by the State, civil society, the judiciary and community institutions.