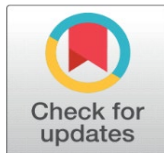
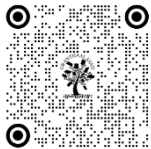


# A CRITICAL REVIEW OF THE SC/ST ACT'S PERFORMANCE IN PREVENTING ATROCITIES AGAINST MARGINALIZED COMMUNITIES

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## ABSTRACT

India made a huge stride toward social fairness with the PoA Act of 1989. It was designed to stop caste violence and systemic discrimination that have been going on for a long time, providing people who are on the outside more safety and access to justice. However, more than thirty years later, a closer look at how it was put into operation shows that there are still huge holes. These problems not only make it difficult for the Act to prohibit bad things from happening, but they also make it less likely that it will bring about justice fast. This examination focuses on two main aspects of how the Act works: problems with implementation and how well the courts work. The purpose of items like special courts and exclusive processes was to speed up the process of getting justice. But in real life, their power has been limited by factors like insufficient infrastructure, long delays to file a FIR, poor police investigations, and not enough aid for victims to get better. The courts' decisions are analogous to these problems. The conviction rate is still low because witnesses are not willing to help, the evidence is weak, and the system is not operating right. In 2018, the Supreme Court weakened arrest rules, which made victims feel less protected. In 2019, the rules were put back in place. Some states have much greater conviction rates and case backlogs than others, which suggests that the courts don't always care for the Act's intentions. For survivors, getting justice often means fighting with a system that is unjust and works against them. A lot of individuals don't file or keep complaints because the police are hesitant, witnesses don't feel safe enough, and the procedure takes too long. The Supreme Court has occasionally stepped in to find a middle ground between protecting rights and eliminating abuse. However, these moves have also made it tougher to put things into effect on the ground. The best thing to do is make adjustments to the structure. This includes stronger means to protect victims and witnesses, strict timelines for trials, training for judges and police on how to be sensitive, and regular inspections on special courts. Most crucially, reforms need to go beyond correcting things one at a time. Instead, they need to be based on a plan that involves changes to the law, the courts, and the government. After that, the Act can only grow closer to keeping its promise in the Constitution to protect the rights of groups who have historically been victims of violence and discrimination.

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## 1. INTRODUCTION

The profound structural inequalities that continue to influence India's social and political life are exemplified by caste-based atrocities, which serve as a brutal reminder. Even though the Constitution says that everyone should be treated equally and with respect, members of the SC & ST are nonetheless more likely to be victims of violence, humiliation, and structural exclusion. Even decades after independence, the legacy of untouchability, the denial of property ownership, and hurdles to social mobility has not been completely removed. Instead, these histories often come back to life in targeted acts of violence, from everyday attacks and social boycotts to horrible massacres that have left scars on India's tale after independence. The SC/ST (Prevention of Atrocities) Act, 1989 was a response to the fact that

regular criminal law wasn't enough to stop these kinds of atrocities from happening. It was a clear promise to protect groups who had been left out of the legal system for a long time (Guru, 1994). But, as this article says, enacting a strong legislation is one thing; making sure it is always enforced well is another.

This research examines the implementation of the Act and the judiciary's response, rather than merely counting registered instances. The NCRB statistics over the past thirty years demonstrates that the number of reports has been constantly going up. This shows that people are more conscious of their rights and that Dalit and Adivasi communities are becoming more vulnerable as they become more socially and economically powerful. But you can't tell how well the law is working just by looking at the number of FIRs. Real effectiveness is shown by conviction rates, the quality of investigations, witness protection, and how quickly victims get justice (Rao, 2009). Without these, mounting reports might turn into meaningless numbers that show violence without holding those responsible or stopping it. When trials take too long, the evidence isn't strong enough, or the rules aren't followed, a law that was supposed to be empowering can become a source of anger and disappointment.

The changes made in 2015 and 2018 were attempts to fix these problems. They expanded the definition of atrocities to encompass social and economic boycotts, restriction of access to public resources, and, importantly, overturned judicial decisions that had undermined arrest measures. These amendments were made because of pressure from grassroots Dalit movements that wanted the legislation to adapt as caste violence changed. The fact that the Act needs to be changed again and over again shows that the system has not fully understood its essence. Instead of constant enforcement and quick trials, changes have frequently been reactive, only moving forward when court interpretations or public outcry showed big gaps (Singh, 2019). This shows a fundamental truth: changing the law won't work if there isn't good enforcement, robust accountability, and no systematic prejudice.

The main issue is the difference between the legislation on paper and how it works in real life. The Act shows that the state is committed to protecting vulnerable groups, but everyday life reveals a different narrative. Police personnel, who are sometimes influenced by the very hierarchies that the law tries to break down, often don't want to file cases under the Act or lessen the charges during an investigation. When they do exist, special courts are too busy, which causes delays that never end. Victims and witnesses, on the other hand, are routinely threatened and punished without enough protection or help. High pendency rates and extended trials not only deprive justice, but they also make survivors' pain worse (Baviskar, 2002). The outcome is a disconcerting paradox: a legislation lauded as a beacon of development yet frequently devoid of substance in application. The Act might end up being more of a symbolic comfort than a real tool for social justice if the judicial system doesn't fix these long-standing problems: prejudice in police, lack of accountability, and chronic delays.

## 2. CONCEPTUAL AND LEGAL FRAMEWORK

The PoA Act of 1989 was designed as a law that was specifically intended to address the profoundly ingrained violence and discrimination that marginalized communities in India encounter. The Act expanded the definition of "atrocities" to encompass actions that take away dignity, limit freedom, and deny equal citizenship, not simply bodily pain. Section 3 goes into great detail on this, naming a wide range of crimes, from social boycotts and public humiliations to economic exploitation and direct physical assault. All of these are seen as ways to strengthen caste systems. The law aimed to depict the multifaceted realities of oppression that Dalits and Adivasis experience in both rural and urban environments (Thorat & Newman, 2006). Critics say that this wide reach has made enforcement inconsistent, even though it is ambitious. Police and courts may make less obvious types of atrocities seem less important, which makes the law less effective.

The Act required the establishment of special courts at the district level (Section 14) to avoid delays that frequently disrupt regular criminal proceedings. These courts, with the help of special public prosecutors, were meant to be quick places to hear claims of atrocities, protecting victims from systematic prejudice and making sure that the cases were heard fairly (Chockalingam, 2006). In practice, though, many governments have either not established up these special courts or have instead given judges who are already busy with other criminal cases the job of handling atrocity cases as well. This weakening has made the law's promise of speed and priority less effective, leaving survivors to deal with the same slow-moving processes that the Act tried to avoid.

The law also included certain protections for victims. These include the requirement to register a FIR, the prohibition on anticipatory bail under Section 18, and the state's duty to give relief and rehabilitation. The 1995 Rules

went much farther by setting up ways to pay people back, protect witnesses, and have monitoring committees make sure the rules are followed. But these protections are often empty on the ground. Survivors often face threats right away, since police refuse to take complaints or make them less serious by citing less serious parts of the penal code (Sainath, 2003). The lack of adequate witness protection makes victims even less likely to follow through with their complaints, showing how different the law is from what it says it would do.

The court interpretation has played a key role in determining the Act's path, sometimes making its protective aim stronger or weaker. For example, in *State of M.P. v. Ram Krishna Balothia* (1995), the Supreme Court affirmed the denial of anticipatory bail since SC/ST populations are very vulnerable. However, in *Subhash Kashinath Mahajan v. State of Maharashtra* (2018), the Court established prerequisites for preliminary inquiry prior to FIR registration, expressing concerns over potential abuse. This move led to a lot of criticism, and the 2018 Amendment quickly changed it back to its previous strength (Ramachandran, 2013). These changes back and forth show the conflict between protecting victims and making sure that the accused get a fair trial.

This conflict has changed how the law is administered many times.

In more recent decisions, the courts have stressed the need of responsibility and quickness. The Supreme Court of India v. *State of Maharashtra* (2020) reminded state governments of their constitutional obligation to not only make the Act a law but also make sure it is followed. It said that poor monitoring systems defeat the objective of the Act (Teltumbde, 2020). However, notwithstanding these court interventions, the fundamental dilemma persists: legislative purpose frequently conflicts with entrenched prejudices, fragile institutions, and a justice system characterized by excessive delay. The changing case law around the Act shows how hard it is to find a compromise between strong legal protections, systemic problems, and the larger political economics of caste in India.

### 3. REVIEW OF LITERATURES

The scholarly discourse around the PoA Act, 1989 has consistently acknowledged its significance as a pivotal measure in combating caste-based violence, while also highlighting the deficiencies in its enforcement. Scholars concur that the Act signifies a courageous recognition of the ingrained societal structures that perpetuate violence against Dalits and Adivasis. They also say that the legal system has had a hard time living up to its ideals. A constant topic in this literature is the disparity between the aspirations of the law and the reality of its implementation, notably exemplified by consistently low conviction rates despite an increase in reported instances (Chaturvedi, 2000). This makes me wonder how serious institutions truly are about making sure justice is done.

A lot of the criticism is aimed at how the police and courts deal with cases of terrible crimes. Researchers have emphasized that delays in filing FIRs, substandard investigations, and the lack of witness protection jeopardize prosecutions from the outset (Kumar, 2008). These mistakes don't happen in a vacuum; they interact with the existing caste power structures, which makes survivors more likely to be threatened or retaliated against. People have also said that trial courts are biased because judges often make charges less serious or regard crimes based on caste as regular crimes. This inclination, along with light sentences, is seen to be one of the main reasons why the law hasn't stopped people from committing crimes. But the special courts, which were meant to hold quick and targeted trials, have some big problems as well. Many of these courts don't work as dedicated forums; instead, they work like conventional district courts, with a lot of cases to deal with. Public prosecutors are supposed to stand up for victims, but they often don't have the expertise, resources, or ability to handle the delicate and complicated nature of atrocity trials (Sharma, 2014). Consequently, the procedures intended to provide swift, victim-focused justice have deteriorated, leading many to perceive the law as more symbolic than really transformational in practice.

Additionally, comparative scholarship offers a distinct viewpoint by juxtaposing India's experience with worldwide methodologies. In South Africa, for example, effective monitoring mechanisms and large victim-support networks have made post-apartheid laws against racial violence even stronger. India still doesn't have these things. In the US, federal hate crime laws depend on strict evidentiary rules and the independence of prosecutors, which have helped raise the number of convictions (Head, 2017). Indian courts, on the other hand, have sometimes been inconsistent in defining what a "atrocity" is and have relied too much on procedural technicalities, which has limited the law's larger impact.

Recent research has also shown that court interpretations might occasionally make safeguards weaker instead of stronger. Many people were unhappy with the Supreme Court's 2018 decision in *Subhash Kashinath Mahajan v. State of Maharashtra*, which made it easier for police to make arrests under the Act. They said it weakened the Act's protective

purpose. Even while Parliament soon changed the law to bring back its original protections, analysts say that repeated changes back and forth make people less trusting. They make things unclear, give criminals more power, and convey confusing messages to survivors about whether the courts are on their side (Sen, 2019). The overarching conclusion from this body of study is unequivocal: the Act establishes a robust legal foundation; nevertheless, in the absence of profound structural reforms in policing and the courts, its potential will remain only partially realized.

#### **4. EMPIRICAL ASSESSMENT OF JUDICIAL EFFICACY**

A review of how courts have dealt with the PoA Act, 1989 demonstrates that there is still a conflict between the law's goal of bringing justice to underprivileged groups and the fact that India's criminal justice system is very inefficient. Conviction rates may be the best way to show this disparity. The typical conviction rate for ordinary criminal law is about 40%, while for cases under the SC/ST Act, it is usually less than 25–30%. Scholars contend that this results from a confluence of factors: victim and witness intimidation, inadequate investigations, and socio-political influences that undermine the efficacy of prosecutions (Srivastava, 2020). Caste relations among police units further hinder evidence collecting, frequently distorting investigations in a manner that ultimately promotes acquittals. Empirical investigations of acquittals consistently identify two predominant factors: antagonistic witnesses and fragile evidentiary recordings. The survivors and witnesses typically reside in the same communities as the accused, subjecting them to ostracism, threats, or economic retribution. Many people take back what they said or refuse to testify at all if they don't have dependable witness protection (John, 2013). This is made worse by gaps in the investigation, such as bad record-keeping of caste-specific abuse, not using forensic techniques enough, and relying too much on oral evidence. This makes cases more likely to fall apart in court.

When you look at it state by state, it gets much more confusing. Southern states like Tamil Nadu and Andhra Pradesh, where special courts only handle certain types of cases, have greater conviction rates. On the other hand, northern states like Uttar Pradesh, Bihar, and Madhya Pradesh always have big differences in the number of cases filed and the number that end in convictions. Scholars posit that these disparities are not just attributable to judicial infrastructure but also indicative of socio-political dynamics: in contexts of heightened caste division, the execution of the Act is diminished (Bardhan, 2016). The system is even more broken since special courts don't work well and prosecutors don't get regular training. This means that getting justice depends more on where you live than on constitutional equality. The delays and backlogs in the courts make things much worse. The Act says that trials must be over in two months, but in practice, they sometimes take three to five years (Deshpande, 2016). This weakens the law's ability to scare others away from breaking it and keeps victims stuck in long, tiresome fights. Many special courts are too busy because judges have to deal with both normal criminal cases and cases of atrocities at the same time. This makes it hard for them to focus on the latter.

The Supreme Court's actions in the last few years have also affected the Act's path. People said that the 2018 Subhash Kashinath Mahajan v. State of Maharashtra verdict, which made it harder to arrest public officials right away, was a way to prevent against abuse, but many people said it made protections for victims weaker. It made police and lower courts hesitant to deal with reports of atrocities, which was not a good thing. The quick change made by Parliament in 2018, which was later affirmed in 2019, brought back the Act's original arrest provisions, showing that it was meant to protect people (Sharma D., 2020). This legislative adjustment helped restore some faith, but the back-and-forth between judicial dilution and parliamentary restoration has kept people unsure, which has made enforcement inconsistent in various states and courts.

#### **5. SYSTEMIC BARRIERS IN THE IMPLEMENTATION OF THE SC/ST ACT, 1989**

There have been several problems with the infrastructure that have made it hard to put the PoA Act, 1989 into effect, especially when it comes to how special courts work. The statute promised quick justice through special courts, but in reality, several governments have either not built them up or merely ran them on paper. Judges frequently have too many different kinds of cases to handle, which goes against the idea of giving priority to atrocity trials. This not only delays justice but also makes victims lose faith in the system, which keeps cycles of impunity and marginalization going (Rao, 2002).

Also, the police are still a major weak point. Time and again, bad investigations are given as a big reason why so few people are found guilty. Poor evidence collecting, not using the right parts of the Act, and in certain cases, intentionally watering down charges all make cases weaker. These mistakes aren't merely technical; they show that law enforcement



organizations have underlying caste prejudices. The lack of specific training for police personnel on how to handle cases of atrocities makes things worse (Gopal, 2012). Victims are often left unprotected and criminals are not held accountable since the police have the authority to choose whether or not to file a FIR or conduct a complete investigation. The delays in the process make things much worse. At the very first step—filing a FIR—victims often have to deal with threats or discouragement. Even if FIRs are filed, it might take months or even years for charge sheets to be filed. This delay provides the people who did it time to mess with the evidence, coerce witnesses, or do something else to make the case weaker (Singh, 2000). These kinds of barriers make the judicial process achingly lengthy and make the gap between the constitutional promise of equality and the daily reality of Dalit and Adivasi communities even worse.

It is just as distressing that victims and witnesses are not getting the safety and help they need. The Act and its changes stress these protections, but in practice, institutional support is often weak or non-existent. Survivors not only have to deal with violence in retaliation, but also with economic boycotts and social ostracism, which ruin their safety and livelihoods. Compensation plans are inadequately run, rehabilitation packages take too long, and there is essentially little psychological or social assistance (Paik, 2020). Without robust and timely protection, the Act might become merely a symbolic gesture instead of the powerful weapon of justice it was supposed to be..

## **6. CONCLUSION AND PROPOSALS OF REFORMS**

The ongoing problems with how the PoA Act, 1989 is implemented and understood show that little tweaks won't work; what is needed are major changes to the system. Special courts, which were meant to form the backbone of this system, frequently simply exist on paper or work alongside other cases, which makes the process take longer. These courts must be totally devoted to atrocity cases in order to fulfill their role. This means having trained judges, the right infrastructure, and clear deadlines for hearings and decisions. Not only would fast-track courts and required deadlines speed up justice, but they would also help reestablish the trust of underprivileged groups who frequently think that the law is more of a symbol than a reality. The Act might become just a procedural precaution instead of the powerful instrument it was supposed to be if these changes aren't made.

Keeping victims and witnesses safe is the second most important thing. The sad truth is that many people who have survived caste violence—and their families—are threatened, boycotted, and even attacked again just for filing a lawsuit. In some cases, legal rules aren't adequate. Safe homes, relocation programs, and timely financial help that really gets to victims are all examples of practical support systems that are very important. A strong and trustworthy witness protection system might also help with the problem of hostile witnesses, which is still one of the key reasons why so many cases of atrocities end in acquittals.

The Judges, prosecutors, and police officers who work on these cases also need to learn how to be sensitive. Caste bias still affects how cases are handled, and this can lead to decisions that go against the spirit of the law. Structured training programs that elucidate the social and historical background of caste prejudice may mitigate these biases. If cases were handled with more empathy, trials would not just focus on the details, but also on respecting the constitutional values of dignity, equality, and justice.

Ultimately, bridging the divide between legal frameworks and actual experiences necessitates a comprehensive strategy. The legislature can make powerful laws, but if the courts don't interpret them properly and the administration doesn't enforce them well, they won't work. It is important to make sure that all three pillars are accountable. Only then can the Act go from being simply a piece of paper to a real tool of justice that helps end violence based on caste and gets India closer to its promise of equality for all in its Constitution.

## **CONFLICT OF INTERESTS**

None.

## **ACKNOWLEDGMENTS**

None.

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