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## **ATROCITIES AGAINST SCHEDULED CASTES: AN OVERVIEW**

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### **INTRODUCTION**

The determination of social class of the human being in Indian society strictly followed its traditional base of Hindu caste fabric. This traditional fabric still continues to control the lives of Indian people directly or indirectly. The social class of the individuals have been decided by accident of birth (Anand: 2005). The word Dalit in this context used for the people who have been assigned lowest place in Hindu social class division. There are other alternative terms used for them generally known as Scheduled Castes, Untouchables and Shudras. Traditional Hindu code of life proclaimed individuals are not equal (Suhasini: 2008). This faith produced human inequality or caste based discrimination since ages which continues till present. In other words Dalits were recognised as lesser humans compare to people of other upper castes so that they were denied live like other higher social groups. Therefore this mechanism of social division has been an invitation for others to commit various kinds of atrocities against lower castes or Dalits. The forefathers of Indian Constitution well known about all these social evils faced by Dalits or so called Scheduled Castes. Therefore they arranged fundamental rights and other constitutional measures to prevent all these inhuman happenings including different kinds of discrimination. With the passage of time other protective measures have been taken in consideration to eradicate social stigma and atrocities against Dalits. The Constitutional remedies provided on the basis of equal rights and benefits in form of protective provisions as well as affirmative policies to uplift them and prevent any kind of violation of their human rights. Instead of all these protective safeguards they are frequently subjected to sexual and physical atrocities (Narula: 2008). This is due to their historical lower social status followed by poor economy and political powerlessness. The constitutional provided Article 17 to eradicate untouchability but despite the fact it persists in other sub forms. In addition to that the Acts introduced by Government of India in form of The protection of Civil Rights Act, 1955 and The Scheduled Castes and Scheduled Tribes Act 1989 to prevent atrocities against the Dalits but Reports of National Crime Bureau and incidents of states like Uttar Pradesh, Rajasthan is marked question mark on effective implementation of these Acts. The traditional Hindu code of life strictly based on purity and pollution principle, ranked Brahmins on superior position and so called Dalits on lowest one. Therefore the arrangement made higher class higher status, power and dominance. On the other side lower class Dalits due to poor economic situation followed lower educational as well as powerless status made them venerable section.

### **ATROCITIES: MEANING AND DEFINITIONS**

The legal definition of the word has not been mentioned in any provision. Instead of this under the provision of section 3 of SCs/STs (POA) 1989 Act made it clear that if atrocity committed it is punishable on establish grounds of law. It means the term especially connected with SCs and STs

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those who suffered by violent practices committed by persons belonging to other than SCs and STs Community (R.K. Bolothia v. Union of India: 1994). Atrocities meant for Physical violence in form of arson, sexual violence, including looting murder etc. This explanation of atrocity is incomplete because several other modes taken into account to harm them mentally. Therefore phenomenon of atrocities covers wider range from physical violence to mental agony.

**Kinds of Atrocities:** - There are sources confirmed that the number of sworn inhuman violent practices has been increased day by day in last two three decades particularly the reports of National Crime Bureau. All these type of violent happening in various kinds:-

- Social Abuse.
- Physical torture includes beating and slashing.
- Arson cases including burnings of homes of particular communities.
- Bonded labour activities
- Sexual humiliation and violent attacks on women.
- Violation of Rights including land rights.

Reports of various government agencies confirmed in the states like Uttar Pradesh, Rajasthan, Bihar and Maharashtra the consistent increase have been registered in status of atrocities on the Dalits. In this attempt effort has been made to highlight the status of atrocities on Dalits in Punjab. The study of State like Punjab is significant because of two reasons 1. Highest number of Dalits resides in Punjab on proportion base in latest Census of India 2. Dalits of Punjab enjoyed different socio-economic status compare to other states.

Violence against SC/ST is much nuanced in nature, so it is difficult to separate atrocities against SC/ST from law and order problems. So in many instances, the case is registered under IPC or CrPC than Prevention of Atrocities Act. There are number of instances where Dalits are at receiving end as follows:

### **I. Cow vigilantism**

The term “Cow vigilantism” is used to describe the lawlessness happening under the name of Cow protection. Dalits and Muslims are at the receiving end of this vigilantism. Since Dalits are concentrated in the occupation of leather making from hides of the cow, they are invariably targeted by vigilantes. Cow vigilantism has increased since past two years.

### **II. Honour killing**

In a society like India, where caste structures are still dominant in the form of endogamy, honour killings are prevalent on a wide scale. Dalits are almost always at the receiving end of the violence. In Lata Singh vs. the State of UP, Supreme Court has opined that inter-caste marriages are in the national interest as they destroy the caste system. Bhagwan Dass v. Delhi deemed honour killings in the “rarest of rare” category of crimes that deserve the death penalty.

### **III. Social boycott**

Khap panchayat – caste panchayat often acts as an arena for perpetuating atrocities against Dalits by ostracizing them from the society Ambedkar had recognized the atrocities meting out to Dalits in the form of social boycott. He had often fought against the practice. Maharashtra enacted [a law against a social boycott](#): Maharashtra Prohibition of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016.

#### IV. Caste clashes

In rural India, OBC became dominant caste by ousting upper caste due to which they were able to convert their numerical strength into political force once universal adult franchise came. Post-Indian rural development model was favourable to them: [Land reforms](#), the green revolution etc. On the other hand, the Post-Independent development model didn't result in the upward mobility of Dalits. Thus OBCs became the new oppressor of Dalits in place of traditional upper castes. Post-1990 reforms; there was resurgence among Dalits due to [reservation policy](#) led to the emergence of the middle class among Dalits who spearheaded Dalit movements. Identity politics, from leaders among Dalits themselves, began to express itself, urbanization and other opportunities followed by 1990 reforms lead to improvement in Dalits life. This resurgence was met with violent clashes among upper castes/OBCs and Dalits. Many scholars like Surinder.S.Jodhka have attributed the increased atrocities to the tensions caused between upper castes and Dalits due to the perceived upward mobility of Dalits. But Dalits were at the receiving end of almost all these atrocities like Khairlanji massacre in Maharashtra 2008, Bhima-Koregaon violence in Maharashtra 2017, Una violence etc

#### V. Discrimination in Universities

Although our Constitution declares that no discrimination would be made in educational institutions, the harsh reality seems to be exact opposite. The suicide of Rohit Vemula in Hyderabad in the year 2016 is a glaring example.

### SCHEDULED CASTES AND THE CONSTITUTION

**Article 17** of the constitution abolishes the practice of “untouchability” and punishes the enforcement of any disability arising out of the practice. Article 21 guarantees the right to life and liberty. The Indian Supreme Court has interpreted this right to include the right to be free from degrading and inhuman treatment, the right to integrity and dignity of the person, and the right to speedy justice. When read with Article 39A on equal justice and free legal aid, Article 21 also encompasses the right to legal aid for those faced with imprisonment and those too poor to afford counsel.

**Article 23** prohibits traffic in human beings and other similar forms of forced labor. Since the majority of bonded laborers belong to scheduled castes, Article 23 is especially significant for them. Similarly, Article 24 provides that no child under the age of fourteen shall work in any factory or mine or engage in any hazardous employment. Again a majority of children engaged in bonded labor in such hazardous industries are scheduled caste members. Article 45 charges that the state shall endeavor to provide free and compulsory education for all children until they reach the age of fourteen, while Article 43 calls on the state to secure to all workers, agricultural, industrial or otherwise, a living wage and conditions of work ensuring a decent standard of life.

**Article 46** comprises both development and regulatory aspects and stipulates that: “The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and forms of exploitation.” As the article falls under the category of directive principles and not fundamental rights, it cannot be enforced by the state's courts. **Article 15(4)** empowers the state to make any special provisions for the advancement of any socially and educationally backward classes of citizens, or for scheduled castes and scheduled tribes. This

particular provision was incorporated into the constitution through the Constitution (First Amendment) Act, 1951 and has enabled several states to reserve seats for scheduled castes and scheduled tribes in educational institutions, including technical, engineering, and medical colleges. It has also paved the way for reservations in police forces.

**Article 330** provides reservations for seats for scheduled castes and scheduled tribes in the Lok Sabha (the House of the People), while **Article 332** provides for reservations in the state legislative assemblies. **Article 334** originally stipulated that the above two provisions would cease to have effect after a period of ten years from the commencement of the constitution. This article has since been amended four times, extending the period by ten years on each occasion. The provision is now set to expire in January 2000.

Through **Article 16(4)** the state is empowered to make “any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.” The claims of scheduled castes and scheduled tribes, as per **Article 335**, shall also be taken into consideration, consistent with maintaining efficiency of administration, in the making of appointments services and posts in connection with the union or of a state.

In addition to constitutional provisions, the government of India has pursued a two-pronged approach to narrowing the gap between the socio-economic status of the scheduled caste population and the national average: one prong involves regulatory measures which ensure that the various provisions to protect their rights and interests are adequately implemented, enforced and monitored; the second focuses on increasing the self-sufficiency of the scheduled caste population through financial assistance for self-employment activities through development programs to increase education and skills.

The protective component of this strategy includes the enforcement of those legal provisions that make up the Protection of Civil Rights Act, 1955, and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989; of other state and central government laws; and of “positive discrimination” through reservations in the arenas of government employment and higher education. These protective measures are monitored by the National Commission for Scheduled Castes and Scheduled Tribes. The development measures for the educational, social, and economic upliftment of scheduled castes are administered by the Ministry of Welfare through the state governments.

### **METHODOLOGY**

The study strictly based on descriptive approach conducted with the help secondary sources limited to the available reports of National Crime Records Bureau. The other like newspapers and periodical literary sources are also used to make conclusion clear wherever needed.

### **ATROCITIES ON DALITS IN PUNJAB**

The expression made by Raj Kumar Verka that the failure of state to protect Dalits making some meaningful sense of Dalit situation in Punjab. He expressed that the state of Punjab received high number of complaints regarding atrocities on Dalits (PTI: 2011).

The incidents of attacks on Dalits in Punjab include attempts to burn a Dalit mother and her

daughter at Doudar Sharki near Moga, murder of a young boy in village Khyali Chehlanwala in Sardulgarh, parading naked Dalit in village Bagga near Amritsar, beating of a Dalit couple followed by abduction that too outside police station in village Chaksharif of Gurdaspur clearly exposed the miserable situation of the Dalit communities in the state (India Today: 2017).

Now look at the statement made by a protester of who protest to secure the land rights of the Dalit resided in the state. "These are a few cases where police sided with accused. Police and civil administration is shielding those who dispossessed Dalits of their legally allotted five marla plots in village Nathuchak of Tarntaran, village Hari Ke Pattan and village Mandor in Fatehgarh Sahib. The local police openly shielded the rape and molestation case accused in Talwandi Mallan village of Moga, Abohar in Jandiala Guru"(India Today: 2017).

The narratives best expose the situation of Dalits resided in the religious configuration which emerges from the basket of social equality. Paramjit S. Judge clearly mentioned in his studies that caste like Hindus found among several other religions particularly among the Sikhism (Judge: 2012). It makes sense that nothing has been changed from the social perspective despite the facts Dalits of Punjab resided in different religious configuration and incidents of atrocities confirm it. It is the serious challenge to the human rights of Dalits.

The following data explanation more meaningful to clear the argument has been raised in this piece of work.

### **CONSISTENT RISE IN ATROCITIES**

The data sets documented by the National Crime Records Bureau revealed that the incidents of atrocities on Dalits in Punjab with passage of time have been increased. Taking note of following table the total number of incidents of atrocities registered 24 in 2011 which was increased to 132 in 2016. Further, the study also explores status of atrocities suffered by Punjabi Dalits and its rate and ranking of state of Punjab at all India level from 2011 to 2016 according to the available data format.

Following tables will make the data more apparent:

**Table -1-Incidence of Atrocities in Punjab against Dalits**

Year	Incidents Reported Against SCs/STs Atrocities Act
2011	24
2012	8
2013	13
2014	123
2015	147
2016	132

Source: compiled from the sources of National Crime Records Bureau

### **CRIME RATE STATISTICS OF PUNJAB AGAINST DALITS**

Like Utter Pradesh, Maharashtra, Bihar and some other states crime rate of the cases registered under the bar of SC/ST Atrocities Act 1989 in Punjab have been raised. Table-2 shows the year wise trends of crime rate in Punjab from 2011-16. If we see the table it is noted that in 2011 crime rate recorded 0.1 which was consistently increased to 1.7 in 2015 and 1.5 in 2016.

**Table-2- Crime Rate of in Punjab**

Year	Crime Rate (Cognizable) Against SCs/STs Atrocities Act.

2011	0.1
2012	0.09
2013	0.15
2014	1.4
2015	1.7
2016	1.5

Source: compiled from the sources of National Crime Records Bureau

### **CONTRIBUTION OF PUNJAB STATE TO ALL IN TOTAL CRIME IN INDIA**

The figures shows in table-3 clearly confirmed that the share in total committed atrocities on Dalits in Punjab have been hiked over the years. It was 0.2 in 2011 and by the 2016 the contribute 0.3 percent in all India statics.

**Table-3- Percentage contribution to all India Crimes**

Year	Incidents Reported Against SCs/STs Atrocities Act
2011	0.2
2012	0.06
2013	0.09
2014	0.3
2015	0.3
2016	0.3

Source: compiled from the sources of National Crime Records Bureau

### **REASONS BEHIND THE ATROCITIES**

There are causes behind the inhuman practices against Dalits. Some of the most significant causes mentioned below.

**Untouchability and Caste Based prejudice:** The old ages practice of Untouchability and Caste based inferior social status assigned by Hindu traditions to the Dalits primarily responsible for these inhuman practices. The problem of caste now found among other religions. The state of Punjab witnessed entirely different religious configuration and majority of the total population followed Sikhism which rejects principle of Caste. But in recent studies conducted across the Punjab stated caste clusters also found at ground zero, however Sikhism rejected principle of Caste. Dr. Ronki Ram in his studies on emergence of deras in Punjab openly discussed that the Dalit assertions through deras is the serious message to attain social equality. It means in reality social inequalities existed among Sikhs. The evil of social inequality promotes violent practices.

**Poor Economic Status:** The established knowledge revealed that the Dalits of suffered with swear economic crisis compared to other caste categories. Whenever we take note of Punjab, 85 percent Dalits have been landless.

**Dalit Assertions:** The Dalits of Punjab experienced drastic change in their educational status in past 30-40 years. The literacy rate of the Dalits of Punjab in 1971 registered just 16 percent and this percentage was increased to 64 percent by 2011. This drastic transformation makes them aware of their human rights. It makes sense while they raised their voice to protect their rights through assertive strategies. Such assertions are oppressed by the dominant upper castes and at most of the times situations became violent and atrocities committed just because these assertions counter the traditional caste barriers and challenge dominance of upper social strata.

### **CONCLUSION**

From the above analysis of the different happenings in Indian Punjab it is of the view that continues rise in atrocities is the serious question even in the Sikh majority state in which nearby 60 percent people followed same religion and have their roots in of social equality. A shortcoming of the country's approach towards the welfare of dalits is that actions on atrocities are mostly seen as a

law and order issue, divorcing them from the larger strategy for social justice. Atrocities do represent a significant hindrance to socio-economic mobility of the community. Policy-makers should take into account that ending violence on dalits is a basic requirement for success of redistributive policies, rather than assuming that these policies by themselves would result in an end to violence/discrimination.

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