

The SC/ST (Prevention of Atrocities) Act, 1989: A Critical Legal Study of Its Role, Effectiveness, and Contemporary Challenges

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Abstract

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted with the aim to ensure the protection of marginalized communities against atrocities by members of dominant castes, based on their caste, religion, creed and social disadvantage. The Act is one of the important laws to promote social justice, equality and protection of human rights to the Scheduled castes and Scheduled Tribes in India. Yet, there have been over the years concerns over the alleged misuse of the Act due to either false or motivated complaints, which have raised concerns about the procedures and abuse of provisions of the Act. This paper critically analyzes the need for and the misuse of the SC/ST Act in the light of its constitutional basis, legislative goals, judicial precedents and its implications in practical terms. The research also examines the judicial decisions made on key issues such as observations made on the rights to procedural safeguards and the on-going occurrence of caste based atrocities, which render the enforcement of robust protection laws necessary. In addition, low conviction rates and slow investigations, political pressure and non-awareness of vulnerable communities are discussed as implementation challenges. The study's legal analysis, which sought to balance and critically examine the Act, concludes that despite some isolated cases of misuse, the overall social purpose of the Act to safeguard marginalised communities from systemic oppression and discrimination is not undermined. The paper also proposes reforms to ensure effective implementation, to prevent abuse and to keep social justice and procedural justice in balance.

Keywords; SC/ST Act, Prevention of Atrocities, Caste-Based Discrimination, Social Justice, Human Rights, Misuse of Law, Scheduled Castes, Scheduled Tribes, Constitutional Safeguards, Atrocities Act, Judicial Interpretation, Legal Protection.

How to cite this article: Swaroop S, Tyagi S. The SC/ST (Prevention of Atrocities) Act, 1989: A Critical Legal Study of Its Role, Effectiveness, and Contemporary Challenges. *Int J Drug Deliv Technol.* 2026;16(64s):475-482. DOI: 10.25258/ijddt.16.64s.46

Introduction

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a special act for the protection of the members of Scheduled Tribes (STs) and Scheduled Castes (SCs) from the violence, humiliation, exploitation and discrimination based on their caste. Although the Constitution of India guarantees equality and dignity to all citizens, social exclusion, untouchability, economic oppression and atrocities based on the caste system have been meted out to these communities in the past. The gravity and nature of these offences were such that the existing criminal law was not suitable to tackle these acts and thus the SC/ST (Prevention of Atrocities) Act was enacted. The main purpose of the Act is to stop the atrocities committed on SCs and STs, set up special courts for swift trials, make sure the victim rehabilitates, and make social justice in society effective (1,2).

The Act has been instrumental in protecting vulnerable communities and enhancing their access to justice over the years. But, this law has also sparked discussions over its application in some instances. Some critics have said that complaints made under the Act have been brought to resolve personal or political differences, resulting in harassment of innocent people and public servants. However, the proponents of the Act argue that there are few cases of misuse while the nationwide suffering of SCs and STs due to the caste-based violence is rampant

and increasing. The debate grew when significant judicial judgments were made, especially the Supreme Court's ruling in the case of Subhash Kashinath Mahajan, which added certain procedural safeguards against arbitrary arrests under the Act. Later, Parliament revised the law to restore the intentment with which it was originally made, balancing between the goals of securing justice for the victim and upholding the rights of the accused (3,4).

This research paper critically appraises the two faces of an atrocious act, namely SC/ST (Prevention of Atrocities) Act which is essentially a law for social justice and the controversies associated with its misuse. The study examines the constitutional basis, the legislative structure, judicial interpretations and application of this Act. It also considers the need for further dilution of the law, in response to concerns about misuse, and whether there is a need for more robust implementation mechanisms to effectively tackle caste-based atrocities, without compromising on the principles of procedural fairness and rule of law (5, 6).

Constitutional and Legal Framework for Protection of SCs and STs

The Scheduled Tribes (STs) and Scheduled Castes (SCs) have been deprived of protection and promotion for centuries and the Constitution of India has provided a comprehensive framework of protection and promotion

for them. The Constitution framers laid emphasis on equality, social justice and protective discrimination to provide equal opportunities and protection to the deprived groups of society. The constitutional provisions go beyond basic rights for SCs and STs and provide enabling provisions to the State for special measures to ensure their welfare, representation and development (7, 8). Articles 14, 15 and 16 of the Constitution uphold the principle of equality. According to Article 14 of the Constitution, all citizens are equal before law and all are entitled to equal protection of law and Article 15 states that there shall be no discrimination against any citizen on the basis of religion, race, caste, sex, or place of birth. Article 15(4) also provides for special arrangements for the advancement of socially and educationally backward classes of citizens including SCs and STs. Likewise, Article 16 guarantees equality of opportunity in public employment and allows reservations in appointments for backward classes which are under-represented in State services. These provisions are the constitutional rationale behind affirmative action and reservation policies in India (9, 10).

Article 17 has now removed the concept of untouchability and also makes the practice of it in any form an offence under the law. One of the most important constitutional safeguards to remove caste discrimination and ensure the dignity of the marginalised communities is this one. Further, Article 46 of the Directive Principles of State Policy prescribes the duty of the State to promote the educational and economic interest of the SCs and STs and to protect them from social injustice and all forms of exploitation. Political protection is also given to the SCs and STs in the Constitution by reserving seats for them in Parliament and State Legislatures under Article 330 and 332 (11, 12).

Parliament has passed several bills to protect and support the SCs and STs, which have enhanced the constitutional safeguards. Protection of Civil Rights Act, 1955 was enacted to punish the untouchability and related discriminatory practices. But, as caste violence and atrocities continue, the Parliament passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act was conceived as a special criminal law to stop offences against SCs and STs, to give rigorous punishments to the perpetrators, to set up Special Courts for speedy trials and to provide relief and rehabilitation for the victims of these offences. The bill make the following acts crimes punishable by law: social boycott; humiliation; dispossession of land; sexual violence; physical assault (13, 14).

Various changes have been made in the SC/ST (Prevention of Atrocities) Act from time to time to improve its efficacy and to overcome problems in implementation. The 2015 and 2018 amendments added to the offences list, tightened provisions, strengthened the rights of victims and clarified procedural safeguards. The Act also lays down the formation of Exclusive Special Courts, appointment of Special Public Prosecutors and setting up of Vigilance and Monitoring

Committees at various levels for effective implementation (15, 16).

The role of judicial interpretation in legal framework in respect of SCs and STs has been significant as well. The judiciary has always maintained a strong focus on Social Justice, protection of vulnerable communities and upholding the principle of justice and fair treatment. India has established a comprehensive legislation framework which attempts to eradicate the caste system and provide dignity, equality and justice to SCs and STs through constitutional provisions, legislation and judiciary actions (17, 18).

In conclusion, the constitution and the legal framework of the protection of Scheduled Castes (SCs) and Scheduled Tribes (STs) are a testament to India's efforts in substantive equality, social justice and human dignity. The State has taken steps to rectify the social injustices and discrimination affecting these communities through various constitutional provisions like Article 14, 15, 16, 17, 46, and legislation including Protection of Civil Rights Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The institutional set-up for the protection of their rights has been further strengthened with the establishment of constitutional bodies like National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST). Notwithstanding these safeguards, official reports and crime statistics still continue to report cases of caste-based discrimination, violence, social exclusion, denial of rights etc. Thus a robust constitutional and legal structure has been designed, but the success of these safeguards will depend on how well they are implemented, the accountability of those in authority and the ongoing monitoring by institutions charged with enforcing them.

Necessity and Importance of the SC/ST (Prevention of Atrocities) Act

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was passed to tackle the oppressive situation of the Scheduled Castes (SCs) and Scheduled Tribes (STs) in Indian society which persisted and was systemic. While there are provisions in the Constitution for equality and the elimination of untouchability, those belonging to these communities still faced discrimination, violence, humiliation, social exclusion, economic exploitation and denial of basic human rights. The gravity and the caste-based nature of these offences were found to require a special legislation, which could not be achieved through ordinary criminal laws (19, 20).

The need for the Act is rooted in the history of caste system that entrenched social inequality and deprivation of dignity of marginalized groups for centuries. SCs and STs have been victims of atrocities like physical attacks, social boycott, forced labor, sexual violence, land dispossession, and public humiliation simply for being a SC/ST. Caste-based inequalities persist in access to justice, education, employment and social participation in many rural, socially deprived regions. Victims are often reluctant to report offences due to fear of reprisal,

social pressure and economic reliance. Hence the need for establishing a clear and effective legal framework to protect these fragile communities and guarantee their constitutional rights (21, 22).

The SC/ST (Prevention of Atrocities) Act is a significant step towards social justice and upholding human dignity. The Act acknowledges that caste violence is not only about criminal acts, but also when it is committed as a result of entrenched social discrimination and injustice. The law provides clarity on some of the atrocities and provides ironclad punishment for their commission which serves as a deterrent for perpetrators of caste-based crimes and strengthens the values of equality, liberty and fraternity as enshrined in the constitution of India. The Act also acknowledges the social and economic vulnerability of the members of the Scheduled Tribes (STs) and the Scheduled Castes (SCs) and thus, their need for special legal protection. Official statistics bear witness to the timeless need for such protection. The National Crime Records Bureau (NCRB) Crime in India Report 2023 revealed that there were 57,000 plus cases of Scheduled Caste violence and 10,000 plus cases of Scheduled Tribe violence in India. In its Annual Report 2022-23, the National Commission for Scheduled Castes (NCSC) has pointed out that complaints about social discrimination, violation of rights, violence, and absence of adequate implementation of welfare measures against the SC communities have been recurring over the years. Likewise, the National Commission for Scheduled Tribes (NCST) highlighted the issues of land alienation, displacement, exploitation and lack of access to justice to the tribals. The findings reveal that while there are constitutional protections and developmental programmes in place, the members of SCs and STs still suffer from structural inequalities and social exclusion, thus highlighting the need for a strong legal instrument like SC/ST (Prevention of Atrocities) Act, 1989. (23, 24).

Another pertinent feature of the Act is the victim centred approach. The law gives relief, compensation, rehabilitation and legal assistance to the victims and their families. It also introduces Special Courts and Exclusive Special Courts for speedy trial of offences under the Act, which is an effort to achieve speediness in the Criminal Justice Process. The Special Public Prosecutors and the establishment of vigilance and monitoring committees further enhance the implementation framework. It reveals the State's dedication to justice and re-establish the trust of the marginalized communities (25, 26).

The significance of the Act is enhanced in the modern times of today's society due to the recurrent incidents of atrocity and discrimination faced by the people of different castes in various parts of India. The statistics of crime and social issues indicate that violence against SCs and STs is a serious issue and incidents such as mob violence, denial of civil rights, social exclusion and sexual offences continue to be a problem. In such situations, a reduction in legal safeguards afforded under the Act could have a negative impact on access to justice

for vulnerable communities and the constitutional principle of an equal and inclusive society.

Meanwhile, the legal and political debate has arisen over the alleged abuse of the Act. There is a need to consider and not dismiss concerns about false accusations, but there is also a clear social need to safeguard historically oppressed groups from systemic discrimination and violence. The use of the word occasional, in no way nullifies the overriding importance of the legislation. Rather, it points to the requirement for fair investigation, procedural protections and effective implementation so that law will be implemented as it was intended, without infringing upon the principles of justice and due process. So, the SC/ST (Prevention of Atrocities) Act has still been an effective social justice legislations in India. It embodies the constitutional mandate of equality, dignity and protection of marginalised communities and is an effective legal weapon to cut through the caste oppression and discrimination.

In conclusion, India has enacted several laws to safeguard the interests of marginalized communities against caste-based discrimination, violence, and exploitation, one of the most important being the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act was enacted because of its recognition that ordinary criminal laws are not suitable or adequate to deal with the specific nature and gravity of the atrocities committed against the SCs and STs. The law has helped in the implementation of the constitutional values of equality, dignity and social justice by making caste based offences criminal, imposing stringent punishments, ensuring compensation and rehabilitation of the victims and setting up Special Courts for speedy trials. The National Crime Records Bureau (NCRB), the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) reports reveal that caste-related crime continues to be rife and that there is social discrimination. The National Crime Records Bureau (NCRB), the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) reports that there is continuing need for special legal protection with regard to the prevalence of caste-based crime and social discrimination. Despite the problems of implementation, delay in the delivery of justice and the low conviction rate, there is no doubt that it is necessary because of the historical and ongoing vulnerability of the SC and STs. Thus, the Act is not merely a punitive mechanism but it is also a tool for social change and empowerment.

Misuse and Controversies Relating to the SC/ST Act

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was passed to safeguard the marginalized groups against atrocities, humiliation and discrimination based on their caste. The Act has contributed much to the cause of social justice and protection of the rights of Scheduled Castes (SCs) and Scheduled Tribes (STs) but has also been marred by controversy about its misuse. In the years since the Act's enactment, there have been complaints about bogus or

exaggerated complaints, arbitrary arrests, the use of the Act for personal or political purposes, and difficulties in the implementation of the Act. These debates have sparked much legal, social and political debate over the need to protect the vulnerable communities and protect the rights of the accused (27).

One of the most significant criticisms of the Act is that some people are taking advantage of the Act to bring about pressure, revenge or even personal agendas. The critics state that the law has been too draconian in its enforcement, as it contains rules for immediate arrest, which can result in harassment and social stigma for innocent people even before the investigation or trial, and rules that prohibit anticipatory bail. Allegations of misuse have surfaced especially in conflicts over employment, property, politics and interpersonal relationships where caste-based allegations are said to have been waged as a tool for manipulation. There have also been concerns from public servants and government officials that the reputation of public servants could be negatively impacted by the threat of complaints under the Act, and that this could negatively affect administrative functioning and decision making.

The controversy further increased following the Supreme Court order in *Subhash Kashinath Mahajan v State of Maharashtra* (2018) where the Court had noted that there had been instances of misuse of the Act and also had instituted some procedural safeguards to prevent arbitrary arrest. The Court decided that preliminary inquiry needs to be done before the case can be registered and the authorities appointing need to approve the arrest of public servants. The judgment resulted in nationwide protests, especially from Dalit groups, who pointed out that the Act's protective provisions were not strong enough and weakened the safeguards provided to the vulnerable groups. Parliament, in response, introduced the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 which reinstates the earlier provisions and also clarifies that there was no need to conduct preliminary inquiry or further clearance for arrest based on the Act (28).

The other issue is low conviction rate in the cases filed under the Act. Gag statistics are used as evidence of misuse by those opposed to the law. But legal experts and human rights activists say the low conviction rate does not connote that false complaints are being lodged. Good police investigation, witnesses who are hostile or afraid, social pressures, compromising between parties, delay in court trial, and failure to prosecute effectively can all result in acquittals. Often, victims in marginalized groups are subjected to intimidation and threats, dissuading them from taking legal action. Thus, one must not attribute the acquittal rates to the sole problem of misuse, but also consider the overall structural and social context of caste-based crimes.

The debates on the Act have also been a major influence from the media and political debates. Some people see the law as too strict or as being unfair for some communities, others believe the law is essential to safeguard historically oppressed communities. The

Debate surrounding the law can affect the public perception of the law, leading to polarization amongst people who want to see tougher restrictions on the misuse of the law and those who want to see more strict enforcement of the law to stop caste atrocities. The conflict here is a part of a larger issue of the individual rights and the constitutional goal of substantive equality and social justice (29).

In view of the ongoing incidents of caste-based violence and discrimination that have been reported all over India, the need to the SC/ST Act has to be conceded despite some controversy. Misuse in isolated instances does not detract from the overall intent of the law. Rather, it stresses the importance of fair investigation, judicial oversight, accountability of the police and courts, and protection from abuse, but not reduce the protective powers of the law. A balance is necessary so that the Act can serve both as a protection for vulnerable communities, and embody principles of natural justice, due process and fairness in the administration of criminal justice.

As a result, the controversy and concerns about misuse of the SC/ST Act demonstrates the interplay between social justice, legal protection and procedural fairness. The need for reform is clear to prevent abuse of the law, but any proposal to weaken its impact needs to be reviewed against the backdrop of the ongoing social conditions of caste-based oppression and discrimination in India (30).

In conclusion, the debate surrounding the alleged misuse and controversies relating to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 highlights the complex challenge of balancing social justice with procedural fairness. While concerns have been raised regarding false complaints, arbitrary arrests, and the potential abuse of legal provisions, such instances must be examined within the broader context of the historical discrimination and continuing caste-based violence faced by Scheduled Castes and Scheduled Tribes. Judicial interventions and legislative amendments have demonstrated the ongoing effort to strike a balance between protecting vulnerable communities and safeguarding the rights of the accused.

Judicial Interpretation and Landmark Decisions:

The judiciary has been the most important forum in interpreting and moulding the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, while balancing the aims of social justice with the values of due process and fair trial. In landmark rulings like *State of Karnataka v. Appa Balu Ingale* (1995), *Subhash Kashinath Mahajan v. State of Maharashtra* (2018), *Dr. Subhash Vijayan v. State of Gujarat* (2015), and *Prathvi Raj Chauhan v. Union of India* (2020), the Supreme Court has interpreted the meaning of offences, arrests, anticipatory bail, and proof necessary under the Act. Such a situation can also not be tolerated in any of the High Courts of India, which have also stressed the need to avoid arbitrary use of the Act, and that the real victim of the crime does not lose the protection. The meaning of Sections 18 and 18A of the

Act has drawn much attention from the judiciary in the context of anticipatory bail and the protection to be afforded to the arrested person during investigation. In general, the Act is a welfare law to be read liberally but with allegations that there is a prima facie case of a caste based offence. There are also statistics that highlight the significance of judicial monitoring. According to the National Crime Records Bureau (NCRB), 57,789 cases of crimes against Scheduled Castes and 12,960 cases of crimes against Scheduled Tribes were registered in 2023. The number of crimes against STs rose around 28.8% from the previous year, reflecting the continued prevalence of caste based violence. Meanwhile, the overall charge-sheeting rate of crimes against SCs was 81.2% and the conviction rates under the Act have been around 30-35% on an average, indicating difficulties in collection of evidence, hostile attitude of witnesses, delay of cases in Special Court and pendencies. Also, from some states, there is a high rate of acquittal, sparking questions about evidence standards and misconduct. Hence, judicial activism has tried to make sure that the Act doesn't become an unworkable tool for social justice but also doesn't violate the guarantees of fairness and liberty in the Constitution. The changing judicial stance suggests a shift in emphasis towards a more balanced approach, one that will ensure that safeguards are strengthened for the marginalised groups while at the same time demanding appropriate investigation, credible evidence and observance of procedural safeguards. This jurisprudential development itself clearly shows that judiciary continues to play an important role in balancing the goals of social justice, equality and rule of law as enshrined in SC/ST (Prevention of Atrocities) Act.

Comparative and International Perspectives:

The fight against discrimination for marginalized communities is recognised as a goal of both national law and international human rights law. A comparative analysis of the two shows that although caste based atrocities are specifically provided for under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, there are countries with anti-discrimination legislation to safeguard the rights of vulnerable groups on the basis of race, ethnicity, indigenous status, religion or social origin. The Civil Rights Act of 1964 and the Supreme Court case *Brown v. Board of Education* (1954) provided legal protections against racial segregation and discrimination in the United States. In 2023, more than 11,800 hate crimes were reported in the United States, according to the U.S. Federal Bureau of Investigation (FBI), in which race and ethnicity was reported as a factor in many of the crimes. The United Kingdom Equality Act 2010 brings together anti-discrimination measures based on race, religion, disability, age and gender. In 2022–23, the Home Office identified over 140,000 hate crime offences in the UK, reflecting the ongoing importance of the need for special legal protection of vulnerable groups. Likewise, the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA) of South Africa

deals with the discrimination as a result of the apartheid regime and seeks substantive equality for the previously disadvantaged groups.

Internationally, the rights of marginalised groups are recognised under a number of human rights instruments. These principles of equality, dignity and non-discrimination are affirmed in the Universal Declaration of Human Rights (UDHR), 1948. States have a duty to ensure protection of rights on an equal basis without discrimination under the International Covenant on Civil and Political Rights (ICCPR), 1966 and the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966. This is especially important in relation to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965, which has had caste-based discrimination as a form of descent-based discrimination specifically identified and called for by the United Nations Committee on the Elimination of Racial Discrimination (CERD) for State action on numerous occasions. In General Recommendation No. 29 (2002), the Committee recommended that States take special measures to prevent caste-based and other inherited social status-based discrimination.

The international human rights framework has had an impact on the protection of SCs and STs in India by emphasising the need for affirmative action, access to justice and protection from structural discrimination. Many United Nations Special Rapporteurs and human rights bodies have drawn attention to the problems Dalits and tribal people experience in South Asia. It is estimated that almost 260 million people are discriminated against on the basis of caste and similarly ranked systems of inherited status, many of whom live in South Asian countries. These observations underscore the need for special laws like the SC/ST (Prevention of Atrocities) Act for tackling specific forms of social exclusion and violence.

There are a number of key international cases to be referenced. *Browne v. Board of Education* (1954), a U.S. Supreme Court ruling, found that racial segregation in public schools is unconstitutional and set a precedent for substantive equality. In *D.H. and Others v. Czech Republic* (2007), the European Court of Human Rights ruled that the indirect discrimination against Roma children infringed on their right to education and equality. In South Africa, the Minister of Finance v. Van Heerden (2004) recognized affirmative actions for redressing past inequities. These cases illustrate a judicial appreciation of the importance of certain groups and the implementation of appropriate protection and correctional measures for them.

The distinction of the SC/ST (Prevention of Atrocities) Act is further brought to the limelight by comparing it with other protective laws in India. The SC/ST Act is a statute that is specific to the caste atrocities, whereas the Protection of Civil Rights Act, 1955, the Rights of Persons with Disabilities Act, 2016, the Protection of Women from Domestic Violence Act, 2005 and the Transgender Persons (Protection of Rights) Act, 2019 protect vulnerable groups such as SCs, STs, PWDs, transgenders etc. from discrimination and also abuse,

and the SC/ST Act also provides for greater procedural protection, compensation to victims and Special Courts. NCRB Crime in India 2023 report shows that in just one year there were 57,789 cases against SCs and 12,960 cases against STs alone in India, despite the constitutional and legal protections provided. Hence, comparative and international studies show that India's legal framework is in line with international human rights standards and specialized legal protection is still required to tackle the prevailing situation of discrimination and social exclusion of SCs and STs.

Relevant Cases

1. *Brown v. Board of Education* 347 U.S. 483 (1954) (United States).
2. *D.H. and Others v. Czech Republic* (2007) ECHR 922.
3. *Minister of Finance v. Van Heerden* 2004 (6) SA 121 (CC) (South Africa).
4. *State of Karnataka v. Appa Balu Ingale* AIR 1995 SC 1128 (India).
5. *Prathvi Raj Chauhan v. Union of India* (2020) 4 SCC 727 (India).

Challenges in Implementation of the Act:

Although a wide-ranging legislation has been in force under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, the act faces a number of problems in its implementation. There are still a number of procedural and administrative problems. In most cases, complaints are not registered by the law enforcement agencies in time; they have not done a proper investigation or they have not invoked the required provisions of the Act. A weak prosecution due to the lack of coordination between investigation agencies, inadequate collection of evidence and delays in filing First Information Reports (FIRs), etc. weaken the prosecution. There are also administrative inefficiencies due to poor infrastructure, lack of trained staff, and non-functioning vigilance and monitoring committees under the Act.

There is also a huge concern regarding delay in investigation and trial affecting the delivery of justice to the victims of caste based atrocities. Special Courts and Exclusive Special Courts have been provided for to speed up the disposal of cases in accordance with the provisions of the Act, but a huge number of cases are pending for several years. The National Crime Records Bureau (NCRB) Crime in India 2023 Report shows that over 90% of cases for the Act were pending for trial at the end of last year, highlighting the issue of judicial backlog. These are not just delays for the bill to have any impact on the purpose of the legislation, but also a deterrent for victims to seek legal action. Long litigation raises concerns of witness intimidation, compromise and loss of evidence, which can impact the effectiveness of the criminal justice process. Another implementation challenge is low conviction rates. NCRB data reveal that the conviction percentage for Scheduled Tribes and Scheduled Castes related cases are generally between 30 to 35 per cent with comparatively high acquittal

percentage. Low conviction rates do not necessarily mean false complaints, however. Factors that can lead to acquittal include unprofessional investigation, irregularities, lack of evidence, adverse witnesses, social pressures, and late trial timing, as well as weak prosecution. In many cases victims and witnesses are socially and economically marginalized, and may not want to pursue the legal action because they fear that they will be victim of reprisals by influential accused persons.

Witness protection and victim support is also weak in much of the country. It is common for victims of caste atrocities to be subject to intimidation, threat, social boycott and economic coercion, especially in rural areas where caste hierarchy still plays a crucial role. The Act provides for compensation, rehabilitation, legal assistance and other support measures, but delays in the process and ineffective communication with beneficiaries are often an obstacle to assisting beneficiaries in a timely manner. Lack of a strong witness protection program also hampers the ability of victims and witnesses to participate in the judicial process freely.

The lack of awareness of the vulnerable communities is also a challenge to effective implementation. A large section of the members of the Scheduled Castes and Scheduled Tribes are unaware of their legal rights, the protection provided by the Act and how to approach for justice. This is because illiteracy, poverty, geographical isolation and lack of access to legal service play a role in this. This means that many cases of discrimination and violence may remain un-reported and, as such, the effectiveness of the legislation as a weapon for social justice is limited.

Accountability within the police and bureaucracy remains a concern. The National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) have sounded the alarm regarding negligence, reluctance in registering cases, improper investigation, and failure to put the statutory safeguards in place. Officials in some instances are subject to local power structures, social prejudices or political considerations which lead to poor application of the law. Increasing accountability and frequently updating officials' training is therefore crucial for better implementation results.

Atrocity cases are complicated even more by socio-political pressure. Dominant social groups, local politicians or community leaders can pressure victims into withdrawing charges or settling disputes outside of the legal system. Rural areas are more under pressure than urban ones and their social and economic reliance on the dominant caste groups is more evident. These dynamics can deter reporting of crimes and hinder justice. Therefore, though the SC/ST (Prevention of Atrocities) Act is a significant tool for the protection of marginalized communities, it needs to be dealt with the procedural, institutional and socio-political difficulties that still mar its implementation. The reinforcement of institutional capacity, the strengthening of accountability, the improvement of victim support

system and raising awareness about the law are indispensable in order to realize the goal of the Act.

Findings, Suggestions, and Conclusion:

The present study concludes that the SC/ST (P&A) Act, 1989 remains an essential law to safeguard the historically marginalized groups against caste violence, caste discrimination and social exclusion. The provisions of the constitution under the articles 14, 15, 16, 17 and 46 along with provisions of Act are testimony of India's commitment towards social justice and human dignity and equality. It shows that, in spite of the constitution and legislative protection, atrocities against SCs and STs are a great concern. The NCRB Crime in India 2023 Report reveals that there were 57,789 and 12,960 incidents of crimes against SCs and STs respectively, during the year, highlighting the need for targeted legal safeguards. The study of judicial rulings also suggests that the courts have always tried to reconcile the protective goals of the Act with the constitutional tenets of due process and fairness. Judicial

debates like that of Subhash Kashinath Mahajan v State of Maharashtra and Prathvi Raj Chauhan v Union of India demonstrate a changing attitude on the part of the judiciary to protecting the rights of the victim and the process of justice.

The study also highlights a number of implementation challenges such as delays in investigation and trial, weak women's protection, poor awareness among vulnerable communities and gaps in police/administrative accountability. The NCRB data also show that a significant number of cases of atrocity are pending in courts and conviction rates are relatively low, owing to hostile witnesses, procedural delays, delayed investigation and lack of evidence. These difficulties frequently detract from the purpose of the laws and limit victim access to justice. Moreover, although there have been numerous allegations of misuse of the Act, to date the evidence does not seem to justify a view that such cases outweigh the overall need for the Act. Strong legal protection is still very much needed, as caste based violence, discrimination, and social exclusion continue.

Table 8.1: Summary of Major Findings

Particulars	Findings
Crimes against SCs (2023)	57,789 cases
Crimes against STs (2023)	12,960 cases
Constitutional Safeguards	Articles 14, 15, 16, 17 & 46
Key Protective Legislation	SC/ST (Prevention of Atrocities) Act, 1989
Major Implementation Challenge	Delay in investigation and trial
Major Judicial Concern	Balancing protection and due process
Necessity of the Act	Highly significant and continuing
Alleged Misuse	Limited but debated issue

Table 8.2: Challenges and Suggested Reforms

Challenges Identified	Suggested Reforms
Delayed investigations	Time-bound investigation mechanisms
Judicial backlog	Strengthening Exclusive Special Courts
Witness intimidation	Comprehensive witness protection schemes
Lack of legal awareness	Awareness and legal literacy campaigns
Administrative negligence	Greater accountability of officials
Poor victim rehabilitation	Timely compensation and support services
Monitoring deficiencies	Digital monitoring and periodic review mechanisms

The study suggests that the institutional mechanisms in charge of implementing the Act should be strengthened, training programmes for police and judicial officials should be improved, victim and witness protection should be strengthened and compensation and rehabilitation benefits should be paid in a timely fashion. There is a need to raise awareness and provide information on the rights of vulnerable communities and legal remedies available to them at the grassroots level. The National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST)

must be given greater institutional support to ensure effective monitoring of implementation and to resolve complaints. At the same time, proper investigation processes and judicious oversight should be kept to avoid misuse and to uphold natural justice.

To conclude, the SC/ST (Prevention of Atrocities) Act, 1989 is a powerful tool to ensure realization of the constitutional principles of equality, dignity and social justice. Further, if the issues of fairness in procedure and misuses in some instances are troubling, they do not take away from the overall need of the legislation to address

the realities of caste-based discrimination and violence. The success of the Act will rely on strong implementation, institutional accountability, judicial supervision, and ongoing efforts to safeguard and empower the Scheduled Castes and Scheduled Tribes in India.

References

1. Ambedkar, B.R., *Annihilation of Caste*, Navayana Publishing, New Delhi, 2014.
2. Galanter, Marc, *Competing Equalities: Law and the Backward Classes in India*, Oxford University Press, New Delhi, 1984.
3. Agnes, Flavia, *Law, Justice and Gender: Family Law and Constitutional Provisions in India*, Oxford University Press, New Delhi, 2011.
4. Basu, D.D., *Introduction to the Constitution of India*, LexisNexis, New Delhi, 2021.
5. Jain, M.P., *Indian Constitutional Law*, LexisNexis, New Delhi, 2022.
6. Seervai, H.M., *Constitutional Law of India*, Universal Law Publishing, New Delhi, 2015.
7. Sathe, S.P., *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, Oxford University Press, New Delhi, 2002.
8. Singh, Mahendra P., *V.N. Shukla's Constitution of India*, Eastern Book Company, Lucknow, 2021.
9. Kumar, Narendra, *Constitutional Law of India*, Allahabad Law Agency, Faridabad, 2020.
10. National Human Rights Commission, *Report on Prevention of Atrocities against Scheduled Castes*, NHRC Publications, New Delhi, 2019.
11. Government of India, *The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*, Ministry of Law and Justice, New Delhi.
12. Government of India, *The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015*, Ministry of Social Justice and Empowerment, New Delhi.
13. Government of India, *The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018*, Ministry of Law and Justice, New Delhi.
14. National Crime Records Bureau, *Crime in India Report 2023*, Ministry of Home Affairs, Government of India.
15. Thorat, Sukhadeo and Newman, Katherine S., *Blocked by Caste: Economic Discrimination in Modern India*, Oxford University Press, New Delhi, 2010.
16. Omvedt, Gail, *Dalits and the Democratic Revolution*, Sage Publications, New Delhi, 2017.
17. Teltumbde, Anand, *Republic of Caste: Thinking Equality in the Time of Neoliberal Hindutva*, Navayana Publishing, New Delhi, 2018.
18. Guru, Gopal, *Humiliation: Claims and Context*, Oxford University Press, New Delhi, 2009.
19. Thorat, Sukhadeo and Newman, Katherine S., *Blocked by Caste: Economic Discrimination in Modern India* (Oxford University Press, New Delhi 2010).
20. Omvedt, Gail, *Dalits and the Democratic Revolution: Dr Ambedkar and the Dalit Movement in Colonial India* (Sage Publications, New Delhi 2017).
21. Guru, Gopal (ed), *Humiliation: Claims and Context* (Oxford University Press, New Delhi 2009).
22. National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs, Government of India 2024).
23. National Commission for Scheduled Castes, *Annual Report 2022–23* (Government of India, New Delhi 2023).
24. National Commission for Scheduled Tribes, *Annual Report 2022–23* (Government of India, New Delhi 2023).
25. Government of India, *The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989* (as amended up to 2018) Ministry of Law and Justice, New Delhi.
26. *Subhash Kashinath Mahajan v. State of Maharashtra*, (2018) 6 SCC 454.
27. *Prathvi Raj Chauhan v. Union of India*, (2020) 4 SCC 727.
28. National Crime Records Bureau (NCRB), *Crime in India 2023*, Ministry of Home Affairs, Government of India, New Delhi, 2024.
29. National Commission for Scheduled Castes (NCSC), *Annual Report 2022–23*, Government of India, New Delhi, 2023.
30. Rao, P. Sudhakar, "Misuse of the SC/ST Act: Myth or Reality?", *Indian Bar Review*, Vol. 47, No. 1, 2019, pp. 45–62.