



FACULTY OF JURIDICAL SCIENCES

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Lecture-17



Crimes against SC/ST – Atrocities of various forms

Violence against SC/ST is very 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 PoA.

1. 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.

2. 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.

3. 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

- **Mahad satyagraha** for the opening of community tanks for Dalits
- He proposed an **anti-boycott law**
- He recognized that discrimination occurs in multiple axes like **boycott-stigmatization-segregation** and try to fight it out on all these axes

Maharashtra enacted a law against a social boycott: Maharashtra Prohibition of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016.

Need a **comprehensive anti-discrimination law** in lines of civil rights entitlements in US-UK.

Law Commission drafted the **Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011** that sought to declare khap panchayats unlawful.

4. Caste clashes

- In rural India, OBC became dominant caste by ousting upper caste due to
 - 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 a 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

5. Discrimination in universities

- The suicide of Rohit Vemula in Hyderabad 2016

Examples of atrocities in independent India

- **Kizhavanmani, Tamil Nadu (1958)** in which 44 SCs were burnt to death in a confined building because SC agricultural labourers sought a little raise in their very low wages. The high court acquitted all the accused.
- **Karamchedu, Andhra Pradesh, 1984:** Five SCs were massacred. The trial court convicted many of the accused. The high court acquitted all. The Supreme Court upheld the trial court judgment – a clear **example that acquittals do not mean false cases.**
- **Tsundururu, Andhra Pradesh, 1991:** Eight SCs were massacred. The trial court convicted the accused in 2007. The high court acquitted them in 2014. The Supreme Court has admitted a special leave petition (SLP) of the surviving victims and survivors of victims.
- Six cases of **Bihar** including the **Bathani Tola (1996) and Laxmanpur Bathe (1997)**. In most of these, the trial court convicted the accused. In all of these, the high court acquitted the accused. Appeals are pending in the Supreme Court.
- **Kambalapalli, Karnataka.** The prime witness in this case, who is the sole survivor and head of the family whose other members were massacred, turned “hostile” due to a threat of life, resulting in the acquittal of all the accused.

Are all crimes against Dalits based on caste discriminations?

There are many nuanced and subtle form of atrocities that are meted out to SC/ST. Since these are highly intertwined with common IPC/CrPC crimes, it is quite complex to dissect caste discriminations from everyday occurrences of violence.

Every passing day there will be one or other incidents of atrocities against SC/ST. In fact, everyday life of them is a struggle against entrenched atrocities, as they are facing discrimination from every facet of life, be it may be in the field of education, employment, in all the limbs of the state and institutions.

Since Dalits are widespread and live in close vicinity to other castes, atrocities against them are more frequent and more visible. Tribals are concentrated in some areas and are more isolated from other sections of society.

The government has introduced many measures for preventing these atrocities, especially under the aegis of Article 17. Most important among them is PoA act, which was and is a watershed act for tilting the power balance of society. Its implementation has seen many stumbling blocks leading to many atrocities against Dalits as shown above. These atrocities are widespread throughout the breadth of the nation.

Resistance from Dalits against atrocities against them

One notable change during present times is the resistance cropping from among the Dalits itself rather than being passive recipients of atrocities as in earlier times. **Bhim army** is one such example.

Also, many **youth leaders from the community** are cropping up, inspired by and **reinventing Ambedkar**, since the 1990s. **Jignesh Mevani** is an example.

As the community is exerting their independence and resisting against injustices, PoA act is the main tool in their arsenal. But judicial observation in **Kashinath Mahajan case** may prove detrimental in this respect by impinging a final nail in the coffin of the act, which was always accused of being misused since its inception.

