

Growing crimes against Dalits in India despite special laws

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A. Ramaiah discusses why caste-based violence in India is increasing despite a history of legislation against caste discrimination.

The Dalits, also known as Scheduled Castes (SCs), have been the victims of the Hindu caste system for centuries. They are subjected to numerous forms of caste discrimination and brutal violence, including rape and murder. A legal ban against caste discrimination and untouchability was introduced in British India under the Caste Disabilities Removal Act XXI of 1850. Later, the Government of India Act 1935 extended special protections to the SCs. Between 1943 and 1950, 17 laws were enacted by different Indian states to end caste-based disabilities. However, no national legislation was passed until the Untouchability (Offences) Act, 1955, which was amended in 1976 to make its provisions more stringent and renamed the Protection of Civil Rights Act, 1955 (PCR Act). To deal with the atrocities committed against SCs, another law – the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act) – came into effect in January 1990.



Despite this legislation and the establishment of special commissions to monitor its working, caste discrimination and caste-based crimes persist throughout India. It is well documented that the police are reluctant to register complaints about caste-based discrimination and violence so national statistics on caste crimes against SCs are grossly underestimated figures. However, even this limited data is enough to understand the gravity of the problem. According to one study, untouchability is practiced in 80 per cent of Indian villages. Crimes against SCs – ranging from humiliating verbal abuses to rape and murder – are also widespread. There were 203,576 registered cases of crimes committed against SCs by non-SCs in India between 2003 and 2009; 106,522 of these cases were tried in courts. In this context, this post asks why special laws to protect SCs have not been as effective as desired, even though they have had a considerable deterrent effect.

According to the National Crime Records Bureau (NCRB) data, the total number of registered crimes committed against SCs is increasing: 14,318 crimes were committed against SCs in 1981; the number increased to 17,646 in 1991, 33,501 in 2001, and with some variations in the intervening years, remained high at 33,594 in 2009. The total number of reported cases of SCs being murdered by the non-SCs also rose from 493 in 1981 to 624 in 2009. A similar rising trend is evident with regard to rape cases as well.

That said, the trend for completing investigations into registered special cases by the police is encouraging: police completed investigations in up to 87 per cent of registered cases throughout India between 2001 and 2009; further, 95 per cent of all disposed cases were charge-sheeted for trial in the courts. However, the conviction rate for such

cases remains discouraging.

India's courts dispose not only those cases involving SCs that are registered under the Indian Penal Code (IPC), but also special cases—that is, crimes committed against SCs by non-SCs that are registered under the PCR and POA acts and are meant to be tried in special courts established exclusively for the purpose.

At the national level, the NCRB data reveals a higher conviction rate in IPC cases as compared to special cases. For instance, in 2001, the conviction rate in IPC cases was 40.8 per cent, whereas it was only 34.1 per cent in special cases. The situation worsened by 2009 with the conviction rate declining to 29.6 per cent in special cases and increasing to 41.7 per cent in IPC cases, further widening the gap.

This trend is evident at the state level as well, with a few exceptions. In Uttar Pradesh, for example, particularly during the chief ministership of Mayawati, the conviction rate has been extremely high in both IPC and special cases. At the same time, UP has also witnessed an increase in the incidence of crimes against Dalits. This can be attributed to the Dalits' growing freedom and assertion as well as the state police's prompt registering of caste-based crimes.

Liberal education and global exposure have made some of the beneficiaries of the caste system, particularly the upper-castes, disassociate themselves from their caste affiliations. But discrimination persists, preventing special laws to protect SCs from being more effective. A major problem is that the Backwards Castes, or Shudras, abide by the caste system and, considering themselves comparatively upper-caste, commit violence against Dalits.

The relative improvement in the educational and economic status and access to bureaucratic and political power that the Dalits achieved with the help of various protective, legislative and developmental measures are provoking a backlash. Instead of considering SCs' rise in political and bureaucratic structures as an achievement of parliamentary democracy, upper-caste Hindus often perceive it as a direct threat to their caste supremacy, leading to violent reactions.

Moreover, although SCs/Dalits account for more than 16 per cent of the Indian population, they constitute too small a number in each village to confront the upper castes, pressurise the police to ensure their legal protection, or otherwise mobilise against caste oppression. They are also divided among themselves on sub-caste lines, though to a lesser extent. It also doesn't help that most Dalits are landless and depend on the very castes that violate their rights to earn their livelihoods.

As the data presented here suggests, legislation is undermined by both social and systemic problems. For example, court judgements in most untouchability and atrocity cases are unduly delayed. Due process – including investigation processes, court hearings, appeals, etc. – subjects SC victims to immense mental, economic and social hardship, discouraging others from protecting their rights under India's special laws. Further disincentives arise from the fact that overwhelming caste loyalties often influence the decisions of the police and judiciary.

In this context, the principal architect of the Indian Constitution and LSE graduate B.R. Ambedkar argued that caste-based conflict is inevitable as long as there is a caste system. He therefore called for inter-caste marriages to bring people together. Later, recognising the violent opposition to inter-caste marriage among upper castes, Ambedkar embraced Buddhism and, with a view to ensuring them a life of dignity and freedom, proposed a "separate settlement" for the Dalits.

In recent years, civil society organisations have proposed many amendments to the special laws regarding caste discrimination, which should be urgently incorporated to improve their effectiveness. Moreover, the police and judiciary should be sensitized to caste discrimination and made more accountable for their handling of caste-based crimes against SCs. Above all, those who oppress SCs should be encouraged to reframe the basis of social relations.

For more information on this topic, including a detailed analysis of the NCRB data set, see: Ramaiah, A. "Growing

crimes against Dalits in India despite special laws: Relevance of Ambedkar's demand for 'separate settlement'.
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Professor A. Ramaiah is a TISS visiting fellow at LSE's Asia Research Centre.

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