

# Atrocities against Scheduled Castes & Scheduled Tribes

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**ABSTRACT:**Hindu society is divided into many castes, and more than 400 castes are regarded as untouchables and are called scheduled castes and scheduled tribes. A result of work and not of birth was the caste system. The preamble of India's constitution speaks of equality, but despite the fact that there is no equality between the citizens of India, the lower caste people are treated more ruthlessly by the so-called citizens of India than animals. A speech given at the Indian Constituent Assembly by Dr. Ambedkar gives a simple image of Indian society. The constitution of India grants different fundamental rights to eradicate this caste-based discrimination, but the tyranny is that even the Constitution of India has failed to grant equality to the lower caste. The Untouchability (Offences) Act 1955 came after the collapse of the Constitution, however the lacunas and loopholes prompted the government to prepare a significant overhaul of this legal instrument. The Act was reinstated as the Defense of Civil Rights Act from 1976 onwards. Despite the different steps taken to improve the socio-economic conditions of the SCs and STs, they remain vulnerable and are subjected to various humiliations, abuses, indignities and abuse. It was found that the usual provisions of the current laws of the Indian Penal Code and Civil Rights Security Act 1955 were insufficient to regulate these atrocities.

**KEYWORDS:**Constitution,Castes, Scheduled castes, Scheduled tribes,Untouchables, Human Values.

## I. INTRODUCTION

Society is split based on its caste status in a rural area. Like every community has a particular colony, and based on their caste, colonies are named after them. Based on the individuals living in it, each area is named after the relevant caste. Depending on the upper caste and lower caste, society is broken. It is called Bhumihartola in a rural area where the people of the Bhumihar community, Brahman caste, live, and where the people of the Yadav caste live, it is called Yadavtola. Much like where the people of the Ravidas community reside, it is called Chamartola (Colony) (SC Categories) or Mushahartola (Colony) (SC Categories) respectively. Rural resources are also subdivided on the basis of their caste. In a rural area, depending on their caste, the temple is also divided and each group has a separate temple where they worship[1].

In 2014, Jitan Ram Manjhi, who belongs to the lower caste, the former chief minister of Bihar, alleged that deities were washed after he visited a temple in northern Bihar. You will get certain forms of news in news headlines even today. History teachers used to teach in primary school that lower caste individuals were not permitted to use water wells or hand pumps of upper caste individuals prior to independence or after independence. So there was no abolishing this practice. We also get to read this sort of news in the present day, which is immoral or morally incorrect[2].In such a way that even in a party function in the village area, the citizens of the lower caste are given food in a separate row, society has divided the caste.

According to the Constitution of India, the freedom to marry a person of one's choosing is an integral part of Article 21, which deals with the security of life and the protection of life and personal liberty. It is unfortunate, however, that if a boy belonging to a small caste marries a girl above his own, society will not tolerate him and boycott society's kin. The practice of boycotting is not only confined to the caste, but when a boy from another religion marries a girl from

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another religion, this boycotting practice is often performed according to religion[3]. The only difference is that society discriminates on the basis of religion; this form of immoral and moral conduct would therefore fall under the framework of caste discrimination. The bitter reality of the world that is all being practiced in the twentieth century is all these activities.

## II. LEGAL FRAMEWORK CONCERNING PEOPLE OF SCHEDULED CASTES & SCHEDULED TRIBES

Article 17 of the Indian Constitution states that 'Untouchability' shall be abolished and that its practice shall be prohibited in whatever manner. An offense punishable by statute is the enforcement of any disability resulting from 'Untouchability'. If any person discriminates on the basis of untouchability, then an Indian citizen has a constitutional right to sue him. The Indian constitution guarantees the fundamental rights of every citizen of India[4]. Furthermore, Article 46 of the Indian Constitution specifies that the educational and economic interests of planned castes, planned tribes, and other weaker parts should be promoted. The State is responsible for fostering the educational and economic interests of the poorer segment of the population, and in particular of the planned castes and the planned tribes, with special care. Furthermore, Article 46 of the Indian Constitution states that it is the duty of the State to protect the planned caste and planned tribes, the people from social inequality and all types of social exploitation[5].

The Indian Constitution has set up a legislative body to protect the social, economic, cultural interests of the scheduled caste people with a view to providing protections against the exploitation of the scheduled caste and the Anglo Indian Communities. The National Commission for Scheduled Castes is dealt with in Article 338 of the Indian Constitution. The Commission's responsibility is to investigate all forms of massacres, to investigate particular complaints relating to the deprivation of rights, and to safeguard the intended caste community. In 2003, the 89th Constitutional Amendment set up the National Commission for Scheduled Tribes. It is the responsibility of the Scheduled Tribes Commission to investigate all matters affecting the Scheduled Tribes and to investigate particular complaints relating to the deprivation of rights and the safeguarding of the Scheduled Tribes[6].

The parliament, however, has passed several acts to prevent massacres against the planned caste and planned tribes. The Security of Civil Rights, 1955, and the Atrocities Prevention Act, 1989, prescribe punishment for a Dalit offence. There are several special courts, and for rapid trial of cases, fast track courts have been created.

### *SC and the ST (Prevention of Atrocities) Act, 1989*

When all the provisions of the Constitution failed to enforce the equality of Indian society and also failed to abolish the practice of untouchability, a new law was required at that time and so the Untouchability (Offences) Act 1955 came, but the lacunae and loopholes of this act prompted the government to prepare a major overhaul of this legal instrument. The Act was reinstated as the Defense of Civil Rights Act from 1976 onwards. They remained a vulnerable group despite the numerous steps adopted by the government to reduce this difference between the lower and upper castes and to protect the *Dalits* from humiliation, contempt, offenses, indignities and abuse[7].

The vested interest crows them down and terrorizes them after being equipped with their rights when they want to claim them and even when they speak against the tradition of untouchability against them. The standard provisions of existing laws such as the 1955 Enforcement of Civil Rights Act and the Indian Penal Code were found to be insufficient to regulate these abuses, continuing the gross indignities and crimes against Schedule Caste and Schedule Tribes. Parliament passed the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 and Laws, 1995, acknowledging these current problems[8].

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## III. MEANING OF ATROCITY

Before the enactment of the Atrocities Act in 1989, the term atrocity was unknown. The act understands the word in legal parlance to mean any offence punishable under section 3(1) and section 3(2). Offences of the Act's atrocities are listed below:

- Enforces any person who is a planned caste and a planned tribe to eat or drink any inedible or terrible product.
- Commits the dumping of excreta, waste, carcasses or any other bad material to any member of the Scheduled caste and tribe in order to inflict harm, insult or irritation in the premises or neighborhood.
- Commits any act that is insulting to human dignity against any member of the Scheduled caste and Schedule tribe, such as the act of forcefully removing or parading clothes naked or with a painted body or face
- The land that is owned or reserved or told by any competent authority to be allocated to any member of scheduled castes and tribes is mistakenly taken over or cultivated[9].

### *Present Scenario*

In addition to introducing various legislative or constitutional initiatives, the Indian Government has also implemented various other measures for the growth of members of the Scheduled caste or tribes or various other backward groups. Some of the changes involved are:

- **EDUCATIONAL Growth:** The educational development of the members of the intended caste or tribes has been given a great deal of significance or publicity. Free educational facilities, books, uniforms and other basic necessities are provided to help them get educated and increase their living standards.
- **ECONOMIC OPPORTUNITIES:** The government has also paid attention to their economic upliftment by providing them with some economic benefits, such as loans at lower interest rates. Giving the poor farmers facilities in terms of seeds, machines for cultivation, etc.
- **OTHER Proposals:** Separate plans have been launched for their upliftment, such as the Special Component Plan (SCP) for SCs and Special Central Assistance (SCA) to ensure the sufficient flow of funds from the other general development sector for SCs.
- The outcome can be seen from the data released by the Planning Commission after the implementation of different reforms in almost every area of life, according to which more than half of the SC ST population surpassed the poverty line between 2004-05 to 2011-12. Earlier, almost 53.5 percent of the SC population lives below the poverty line, but this figure was reduced to 22 percent only in 2011-12[10].

## IV. CONCLUSION

In 1989, the prevention of massacres served as a boon to the so-called untouchables. The present time is a historical moment, not only for the *Dalits*, but for all those who are committed to the defense of universal human rights and the values of justice, equality, liberty, fraternity. India must no longer be able to disregard inequality and racism within its own boundaries, as a rising star and an increasingly important player on the world stage. Together, nationally and globally, we must unite to force the Indian government to rise above an ingrained caste-mentality and to enforce its laws correctly, enact its policies, and fulfill its obligation to uphold the fundamental human rights of all its people. Dr. Ambedkar's assertion resounds louder today than ever among the Dalit community and its supporters & sympathizers.

## REFERENCES

- [1] S. Sharma, "Hate Crimes in India: An Economic Analysis of Violence and Atrocities Against Scheduled Castes and Scheduled Tribes," *SSRN Electron. J.*, 2012, doi: 10.2139/ssrn.2055549.
- [2] S. Sharma, "Caste-based crimes and economic status: Evidence from India," *J. Comp. Econ.*, 2015, doi:



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- 10.1016/j.jce.2014.10.005.
- [3] E. Van De Poel and N. Speybroeck, "Decomposing malnutrition inequalities between Scheduled Castes and Tribes and the remaining Indian population," *Ethn. Heal.*, 2009, doi: 10.1080/13557850802609931.
  - [4] S. Madheswaran and P. Attewell, "Caste discrimination in the Indian urban labour market: Evidence from the national sample survey," *Econ. Polit. Wkly.*, 2007.
  - [5] D. Singh, "Crime against Scheduled Castes and Scheduled Tribes.," *Indian J. Soc. Work*, 1983.
  - [6] S. Madheswaran and S. Singhari, "Social exclusion and caste discrimination in public and private sectors in India: A decomposition analysis," *Indian J. Labour Econ.*, 2016, doi: 10.1007/s41027-017-0053-8.
  - [7] S. Khora, "Misconstruction of the anti-atrocities Act's misuse," *Economic and Political Weekly*. 2018.
  - [8] R. Shukla, "Judicial Pronouncements and Caste," *Econ. Polit. Wkly.*, 2006.
  - [9] B. R. Chauhan, "Scheduled Castes and Scheduled Tribes," *Econ. Polit. Wkly.*, 1969.
  - [10] B. B. Mohanty, "Land Distribution among Scheduled Castes and Tribes," *Econ. Polit. Wkly.*, 2001.