SOCIAL EXCLUSION, DISCRIMINATION AND ATROCITIES ON SCHEDULED CASTES IN INDIA: THE WORRYING SPOTS AND FUTURE CHALLENGES

Rajendra P. Mamgain*

The paper examines nature, forms and consequences of social exclusion in the Indian society. It argues how social exclusion resulted in low development outcomes for SCs as compared to other social groups even having comprehensive constitutional safeguards. The paper attempts to analyse the underlying causes of atrocities on SCs in the framework of social exclusion, discrimination, vulnerability and rising assertiveness among SCs about their rights and dignity. It argues for new thinking and related actions altogether which could accelerate economic well-being of SCs at a faster pace, embolden the social reforms and intensifies cultural movements to change societal mindsets. This would necessitate to revisit the existing acts, programmes of empowerment and their guidelines, monitoring mechanisms, training and sensitisation programmes, and make necessary measures to effective programme delivery at a faster pace.

SOCIAL EXCLUSION AND DISCRIMINATION - THE INDIAN CONTEXT

The issues of exclusion and discrimination assume special importance in the Indian context wherein Scheduled Castes (SCs) and Scheduled Tribes (STs), who together constitute nearly one-fourth of the Indian population, have traditionally suffered from social exclusion. While these population groups are numerically important, they continuously lag behind the other social groups in various social, economic and political indicators of development (Mamgain, 2013). Their progress in terms of attaining higher levels of development is much slower than that of other social groups, particularly other caste Hindus and religious minorities except Muslims. Much of the differences in development outcomes on several indicators for SCs as compared to other social groups are seen in the historical disadvantage of SCs affected by the caste system. The organisational scheme of the caste system is based on division of people in social groups (or castes) in which the occupations and property rights of each individual caste are predetermined by birth and hereditary. The assignment or division of occupations and property rights across castes is unequal and hierarchical. Some occupations are considered socially inferior (or polluting) with low social status for those engaged in them. The caste system based economy is maintained or enforced through the instruments of social ostracism (a system of social and economic penalties) with justification and support from philosophical elements in Hindu religion (Ambedkar, 1936, 1987; Akerlof, 1976; Lal, 1988). Though such caste system has diluted over the years with the constitutional safeguards after the Independence, SCs still face social exclusion and discrimination in their daily lives. Their voices for their rights, entitlements, dignity and justice are frequently suppressed with atrocities on them by other caste groups. This happens so even after the comprehensive constitutional safeguards and laws enacted over the years for the protection and development of SCs as well as STs.

* Professor, Giri Institute of Development Studies, Lucknow. Email: mamgain.rp@gmail.com

1. This is a revised paper presented in a seminar on “Segregation and Atrocities on Scheduled Caste in India”, organised by National Institute of Rural Development, Hyderabad, 11-12 July 2014. The author is grateful to seminar participants for giving their valuable comments on the earlier draft of the paper. However, usual disclaimers apply.
There are limited theoretical works which try to capture the economic underpinning of caste system and its historical consequence on income distribution and poverty. Attempts by few mainstream economists, and others however do recognize this link (Akerlof, 1976; Scoville, 1991; Lal, 1988; Ambedkar, 1936 and 1987). Akerlof, Scoville and Lal argued that since the economic rights under the caste system were assigned unequally across the castes, the result was an income distribution generally skewed along caste line. Wide differences continued to prevail between the castes groups in access to capital assets, employment, education, income and wealth and these differences closely correspond to scheme of economic rights prescribed in the classical form of caste system. However, not every caste suffered in same degree from the system of economic equalities. Among them the untouchables or SC who are placed at the bottom of social and economic hierarchy of the caste system have suffered most from the lack of access to all possible source of economic mobility, as under customary rules they had been denied right to property, education and occupation (Thorat and Newman, 2010). The caste based customary rule in fact involved exclusion of the untouchables from access to any fixed sources of income except the wage labour. Thus the historical roots of poverty and vulnerability of formerly low caste untouchables is closely linked with the denial of economic rights to them.

The Constitution enshrines the right to equal opportunities, provides protection against social dogmas and economic exploitation, and makes specific financial allocations for expediting the development of SCs and STs. Constitution of India contains various provisions for the development of SCs. It guarantees protection from social injustice and all forms of exploitation (Article 46). It guarantees equality before law (Article 14), and enjoins upon the State not to discriminate against any citizen on grounds of caste (Article 15.1). Through enacting Anti-untouchability law, the practice of any form of untouchability is an offence (Article 17). The Constitution mandates that no citizen shall, on grounds of caste or race be subjected to any disability and restriction (Article 15.2). While recognizing the historical disadvantage which SCs and STs faced in their education and employment, Constitution empowers the State to make provisions for reservation in educational institutions (Article 15.4 and 15.5), and in public employment (Article 16.4). For political empowerment, the Constitution guarantees reservation of seats in Lok Sabha under article 330, in the State Legislative Assemblies under Article 332 and in Local Self-Government bodies under Article 243D and 340T. To check crime against SCs, Untouchability (Offences) Act 1955 was enacted which was renamed as Protection of Civil Rights Act in 1976. The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 has been enacted to protect from SCs and STs from atrocities on them.

These constitutional safeguards have far reaching implications for the promoting and protecting the economic, social and political interests of SCs and STs. Despite several constitutional safeguards, their impact on the overall well-being of these marginalized groups have been less than desired, particularly in improving of their economic and social development (Hayer and Jayal, 2009; Mamgain, 2013). The SCs and STs continue to face various forms of exclusion and associated deprivations. Although the Constitution of India has abolished untouchability to help the SCs and STs overcome various disabilities and discrimination associated with it, it still persists in various forms, particularly in the rural areas (Shah, et al., 2006). There are evidences which suggest that SCs still face discrimination in labour market, at place of work, in ownership of assets, in education, and in public health. There are rising cases of caste-related violence and atrocities on SCs and STs (IIDS, 2011; NCRB, 2014).

Based on the available literature, this paper examines various spheres of social exclusion, its nature and forms in each sphere and consequences of such exclusion on overall well being of SCs in Section II. The next Section analyses the pattern of atrocities on SCs and causes thereof. The
concluding section looks into the poor implementation of constitutional safeguards for removing social exclusion, discrimination and related atrocities on SCs. It also offers few suggestions towards this objective.

NATURE, FORMS AND SPHERES OF SOCIAL EXCLUSION AND DISCRIMINATION

The issue of social exclusion and discrimination has received considerable attention in academic debates and social science research in recent years (World Bank, 2011; 2013). Sen’s (2000) conceptualizes social exclusion in the framework of capability deprivation and poverty, wherein he categorises various forms of exclusions and inclusions. He draws a distinction between the situations wherein some people are kept out (or at least left out) and wherein some people are being included (may be even being forced to be included)—in deeply unfavourable terms. He describes the former as ‘unfavourable exclusion’ and the latter as ‘unfavourable inclusion’. The latter with unequal treatment may carry the same adverse effects as the former. Such exclusion/inclusion can be practiced at different levels, such as for individuals, group of individuals, gender, caste, ethnicity, religion and spatial. In India nature of exclusion and discrimination is strongly associated with the strong social institution of caste which provided unequal rights and occupational choices to individuals not by their merit but simply their birth in a given caste groups. Though the institution of caste system has gradually weakened over the years, particularly after the Independence with the comprehensive constitutional safeguards for marginalized groups, it still operates in various subtle forms. This has been amply shown in various studies.

Discrimination in the labour and other markets entails the denial of equal economic rights and entitlements to the persons belonging to the discriminated groups. The complete denial and/or access with discriminatory treatment results in a lack of ownership and access to income-earning capital assets like agricultural lands and non-land assets, production enterprises and businesses and employment. Non-market discrimination results in access to social needs like education, food items, health services, housing, common property resources and other amenities, all of these leading to low employment, lower income, poor health, low education levels, poor housing, and low food consumption, which may result in high income poverty and human poverty (with human poverty being defined by UNDP as taking into account not only income but also illiteracy, malnutrition, mortality rate, and life expectancy) among the discriminated groups (Thorat and Newman, 2010, World Bank, 2011).

There are few studies which tried to understand the phenomenon of caste-based discrimination, its forms and consequences on market (such as labour, capital, land, product and other markets) and non-market spheres (such as education, health, political participation, social networks). Studies by IIDS (Thorat et al., 2010) and various other scholars (see Banerjee and Knights, 1985; World Bank, 2011) show the presence of discrimination against the Scheduled Caste, in rural and urban labour markets. It is shown through a field experiment that how SCs and Muslim applicants who are equally or better qualified than higher caste applicants are less likely to pass through hiring screen among employers in the modern formal sector in India (Thorat and Attewell, 2010). This caste and or religious prejudices among employers seriously hamper the employment opportunities for SCs and Muslims. The managers in private organized sector bring to the hiring process a set of stereotypes that makes it difficult for SC and Muslim applicants to succeed in the competition for position (Jodhka and Newman, 2010). Caste based discrimination is very high in the private sector compared to public sector as seen in wage gap between SCs and other caste groups for similar jobs and their low presence in such jobs (Madheswaran and Attewell, 2010). In higher end job markets,
social networks and peer references are growingly becoming important method of recruitment by private sector firms. In such situation, SCs are less likely to get chance as they do not have such peer groups and have little scope to enter in other caste social networks. Studies also show how SCs are discriminated in government offices, restricting their upward mobility in occupational ladder. Due to notion of untouchably, SC women are less likely to get the job of domestic help, and jobs of cooks in hotels and schools. Dalits also face discrimination in product markets in sale and purchase such as land, consumer goods, and inputs.

SCs also experience discrimination in the ownership of productive assets. Historically, they have been denied right to own any productive asset such as land or a business enterprise. The land redistribution scheme has failed to make any major visible change in the pattern of land ownership among SCs (PRAXIS, 2009). According to NSSO data for the year 2011-12, a highest 80 per cent of SC households are almost land less owning less than 0.4 hectare land. Moreover, there are evidences of forcible occupation by other castes of land which was distributed to the SCs under the government’s land distribution policy. Further, the quality of the land distributed to the SCs was generally poor, which adversely affects their farm productivity. SC buyers confront restrictions of various kinds such as restricted entry in purchase of land from upper caste, restriction on purchase of land by SCs for residential constructions in localities dominated by upper caste. As a result, clearly visible segregation exists in residential units on the basis of caste, along with sever restriction to freely participate in the life of the community in their neighbourhoods even in the urban areas (Vithayathil and Singh, 2012).

As regards educational development, the children of SCs face various forms of discrimination in schools, making education a painful process for them and, in turn, discouraging them from continuing their education (Nambissan, 2010; Ramachandran, 2004). IIDS study (Nambissan, 2010) and various other newspaper reports also show how SC children often face subtle forms of discouragement and ostracism that make school a painful place to be, resulting higher drop out among SC children. There are evidences of discrimination in midday meal where SC students are served food separately, thus seriously affecting their confidence and dignity. Government interventions for promoting participation of SCs in mid day meal scheme as cooks and social cohesiveness as initiated by Ms. Mayawati during her Chief Ministership faced strong opposition from other caste Hindus, resulting in withdrawal of the proposal in Uttar Pradesh. The persistence of a dualistic public and private model of education and the deteriorating quality of education in public schools have led an increasing segregation of students on the lines of economic status. About 97 per cent of SC students are attending public schools as compared to 78 per cent that for OCs. The phenomenal rise of private unaided educational institutions is of concern since enrolment in them is biased against girls and lower caste, leaving girls, SCs and STs to mostly in government schools. At the same time the deteriorating quality of education in public schools has adversely affected the educational development of SCs and STs, who largely depend on public educational institutions. Discrimination of SC students is also documented in higher education institutions, even in premier institutions such as AIIMS and IITs.

Educational level of youth is improving yet at slow pace in case of SCs. The mere attainment of higher literacy levels does not have an impact in terms of enhancing the employability of youth. Much depends on their transition to higher and technical education and vocational training, especially its quality. Viewed in this perspective, there is large gap in the educational and skill levels of youth, with the SCs/STs lagging much behind the others. While the attainment of higher educational levels is crucial for improving the employability of youth, in general, there is evidence of discrimination against the marginalised groups in the labour market as mentioned earlier. This often discourages
SC/ST parents from sending their children for higher education by foregoing their current income. This general apathy has also been noticed among Muslim parents and students.

Similarly, discriminatory dispensation of public health services in the forms of providing health care information, ill treatment by health service providers at the time of service delivery, skipping visits to SC houses for women and child care services, complete denial of certain services such as cleaning of mother and child after child birth, result in differential outcome in health care (Sanghamitra, 2010). The inadequate and inefficient public health care added with discriminatory practices often lead higher burden of health care on poor households, mostly SC and STs, resulting in impoverishment. The health-related incidence of poverty is relatively high among SCs and STs (Krishana, 2010). The prevalence of identity-based discrimination in health and nutrition programs is one of the important reasons for higher incidence of malnutrition among SC children. More often, government guidelines are though elaborate but often lack caste and gender sensitivity in their dispensation (Mamgain and Diwakar, 2012).

The location of facility such as PDS shop or Anganwadi Centre in upper caste settlements also results in inadequate access to the facility (Mamgain and Diwakar, 2012). Discrimination in the provisioning of basic infrastructure within the SC localities too adversely affects their access to such facilities (Social Equity Watch, 2011). It has also been seen that the location of facilities such as the mid-day meal, PDS shop or Anganwadi Centre in settlements dominated by other castes reduces the access of SCs to these facilities and promotes discriminatory pricing practices (Thorat and Lee, 2010).

The women among the SCs also face a double disadvantage due to the prevalence of a strong patriarchal and caste system in the country. They face discrimination with regard to participation in various economic, social and political activities that require an interface with males (IIDS, 2010).

Access to safe drinking water is crucial as it prevents the prevalence of water-borne diseases and consequently high morbidity. While there has been a considerable improvement in access to safe drinking water, still over one-third of the ST households and nearly one-fourth of the SC and ‘Other’ households do not have such access as per the 2011 Population Census. Thus, the situation of STs with regard to this indicator is far worse than the national average. There is also evidences of discriminatory access to safe drinking water for SCs, particularly in the rural areas, as they may be allowed to fetch water only after the ‘Other’ caste households have enjoyed their turn (Hoff and Pandey, 2006). The location of such facilities in upper caste localities also affects the overall access to such facilities enjoyed by the SC households (Social Equity Watch, 2011). Studies also show high rate of crimes against SCs in those areas that have greater commonality of water resources between SCs and other castes (Bros and Couttenier, 2012).

Access to toilet facility is also critical in promoting dignity and security, particularly for women. India has consistently had poor sanitation facilities. As per the 2011 Census, over 42.4 per cent of households in the country do not have any toilet facility and their members still go in for open defecation. The proportion of such households is highest among the STs (74.6 per cent), followed by the SCs (62.1 per cent), and the least in the case of ‘Others’ (42 per cent). More importantly, the poor quality of toilets is a critical issue, as only 36 per cent of the households have flush latrines. The Census results have seriously undermined the claims made by the Government regarding the success of one of its flagship schemes, namely, the Total Sanitation Campaign (TSC) in improving the access to toilet facilities in the country. There is evidence of poor quality of toilets constructed under the scheme, thereby making these unusable. The lack of space to construct toilets, particularly in the case of SC households, lack of water facilities and general insensitivity towards such facilities
among the households are the major hindrances in the success of TSC in the country (Mamgain, 2013). There are a number of cases of atrocities on women in the form rape and molestation due to lack of toilets (various newspaper reports). Several studies have shown that women without toilets at home are vulnerable to sexual violence when travelling to and from public facilities or open fields. Women living in urban slums of Delhi reported specific incidents of girls under 10 “being raped while on their way to use a public toilet” (Water Aid and DFID-funded Sanitation and Hygiene Applied Research for Equity, 2011).

Despite the implementation of special budgetary measures for facilitating the exclusive development of SCs and STs in the form of the Scheduled Caste Sub-plan and the Scheduled Tribe Sub-plan, not much has been achieved. Such allocations have been largely notional till recently when the Dalit CSOs started raising their voices against such notional allocations and the misappropriation of funds for other uses (CBGA-NCDHR, 2011). The diversion of Scheduled Caste Sub-plan to Commonwealth Games in 2011 and payment of villages electricity bills arrears in Karnataka are the examples of government apathy to spend budget on the earmarked areas. As a result, these provisions have failed to bring about significant progress in the development of SCs and STs (Planning Commission, 2011).

In brief, despite the availability of the best legal safeguards for overcoming exclusion and promoting their overall development, both the SCs and STs lag far behind the other social groups in all indicators of development. They are still predominantly engaged in employment of poor quality, exhibit the highest incidence of poverty, have lower educational levels and higher drop-out rates, and suffer from poor health as compared to other social groups. When SCs assert their demand in a right framework, they are retaliated and become victims of various kinds of atrocities. With the implementation of the Right to Information (RTI) Act, various CSOs have increasingly started taking up issues of discrimination and deprivations and related atrocities faced by SCs/STs with the Government for ensuring their well-being within a human rights framework. However, the marginalised groups still face the huge challenge of opting for a development strategy that would help reduce income inequality, and ensure their decent employment, safety and social inclusion with dignity (Mamgain, 2013).

ATROCITIES ON DALITS

The major source of data on crimes is National Crime Record Bureau (NCRB), which provides district-wise information of various kinds of crimes. The crimes can be broadly classified into two categories: those reported under the Indian Penal Code (IPC) and those that are registered under the Special and Local Laws (SLL). While the IPC category includes mostly violent crimes that affect the broader population in general, the SLL are enacted to counter other social practices prohibited by various laws. IPC crimes include: i) murder, ii) rape, iii) physical assault or hurt, iv) kidnapping, v) robbery, vi) arson, vii) dacoity and viii) other classified IPC crimes. Other classified IPC crimes constitute a residual category that includes crimes such as assaulting public servants, killing cattle, criminal trespass and intimidation etc. Crimes under SLL are: i) Protection of Civil Rights Acts, 1955, and ii) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. These acts constitute special social enactments to safeguard the interests of SC/ST groups. The term ‘atrocity’ was defined for the first time in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and included 22 acts or behaviours of the Non-SC/ST persons as punitive offences under the Act.

The NCRB data suffers with significant under reporting at the time of registration of crime and its categorisation. Very common examples of under reporting of crimes relate to robbery,
theft, fear of reprisals, hate crimes, lack of confidence in the criminal justice system to resolve the problem, etc. Moreover, due to lack of awareness, several cases deserving to be registered under SC/ST (PoA) are generally registered under other crimes. The statistics also do not distinguish crimes committed by SC/ST against SC/ST.

The latest report of NCRB for the year 2013 reported 39408 cases of cognizable crimes committed against SCs in India. This crime rate stands at 19.57 incidences per one lakh of SC population. Though the number of crimes has increased from 32996 in 1995 to 33501 in 2001 and to 39408 in 2013, the rate has substantially declined—from 23.24 in 1995 to 20.14 in 2001 and further to 19.57 in 2013. The decline in rate however has been slow between the periods 2001-2013.

State-wise, a highest incidence of crime against SCs is reported in Rajasthan, followed by Bihar and Odisha during the year 2013. The lowest rate is observed in Punjab. The rate is lower in Uttar Pradesh and Haryana—the states remaining always in news on the crimes against SCs!! The state which witnessed a big jump in atrocities on SCs is Bihar. Other states with substantial increase in the crime rates against SCs during 2001-2013 are Kerala, Karnataka, Haryana and Odisha. States such as Uttar Pradesh and Madhya Pradesh witnessed substantial decrease in the rate of atrocities on SCs. These differential rates have substantially changed the relative share of states in total crimes on SCs in India (Table 1, Fig. 1).

**Table 1: Crime Rate on SCs in Select States**

<table>
<thead>
<tr>
<th>State</th>
<th>2001</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bihar</td>
<td>9.99</td>
<td>40.57</td>
</tr>
<tr>
<td>Gujarat</td>
<td>34.58</td>
<td>29.21</td>
</tr>
<tr>
<td>Haryana</td>
<td>5.60</td>
<td>9.64</td>
</tr>
<tr>
<td>Karnataka</td>
<td>18.93</td>
<td>24.5</td>
</tr>
<tr>
<td>Kerala</td>
<td>15.98</td>
<td>24.87</td>
</tr>
<tr>
<td>Madya Pradesh</td>
<td>46.01</td>
<td>25.96</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>6.33</td>
<td>12.64</td>
</tr>
<tr>
<td>Odisha</td>
<td>28.51</td>
<td>36.06</td>
</tr>
<tr>
<td>Punjab</td>
<td>1.91</td>
<td>1.42</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>50.46</td>
<td>52.98</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>19.70</td>
<td>12.78</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>30.53</td>
<td>17.11</td>
</tr>
<tr>
<td>India</td>
<td>20.11</td>
<td>19.85</td>
</tr>
</tbody>
</table>

*Source: NCRB Report 2013.*
The distribution of crimes against SCs shows a highest 43 per cent related to other offences under IPC Act. The share of serious crimes such as rape, murder, robbery, hurt, etc. stands at about 22 per cent. The crimes registered under SC & ST (PoA) Act account for as high as 36 per cent of total crimes against SCs. The trend between 2001 and 2013 show the decline in the share of crimes under IPC Act from 22.5 per cent to 21.8 per cent respectively. Similarly, the percentage share of crimes registered under SC & ST (PoA) Act declined by about 6 percentage points from 42.6 per cent to 36.4 per cent during the period 2001-2013 (Figure 2 and 3).
Maharashtra has a highest share in crimes related to dacoity, robbery and offences under PCR Act. Bihar has highest share in crimes registered under SC/ST (PoA) Act and arson. It is intriguing that incidence of heinous crimes is high in state like Maharashtra which has witnessed a strong wave of Dalit emancipation over the years since Dr. B R Amedkar’s struggle. Such incidences are largely attributed to Dalit assertions for their rights and retaliatory response from other castes (Ram, 2004; Teltumble, 2007; Sushmita, 2014).

Table 2: State with Highest Share in Crime by Type of Crime, 2013

<table>
<thead>
<tr>
<th>Crime</th>
<th>State with highest share in India</th>
<th>% share in India</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dacoity</td>
<td>Maharashtra</td>
<td>57.78</td>
</tr>
<tr>
<td>Robbery</td>
<td>Maharashtra</td>
<td>35.48</td>
</tr>
<tr>
<td>Arson</td>
<td>Bihar</td>
<td>26.98</td>
</tr>
<tr>
<td>Hurt</td>
<td>Madhya Pradesh</td>
<td>16.67</td>
</tr>
<tr>
<td>Offences under PCR Act</td>
<td>Maharashtra</td>
<td>33.87</td>
</tr>
<tr>
<td>Offences under SC/ST (PoA) Act 1989</td>
<td>Bihar</td>
<td>39.96</td>
</tr>
<tr>
<td>Other</td>
<td>Rajasthan</td>
<td>31.79</td>
</tr>
</tbody>
</table>

With the rising atrocities the number of pending cases for investigation by police is piling up. Due to this the share of such ending cases (pendency rate) sharply increased from 16.3 per cent in 2001 to 27.6 per cent in 2013. Contrary to this the conviction rate has substantially declined from over 34 per cent in 2001 to nearly 24 per cent in 2013. The pendency rate of trials in courts is astonishingly high at 84 per cent (Table 3).

### Table 3: Select Indicators of Crimes

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2001</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incident (No.)</td>
<td>33501</td>
<td>39408</td>
</tr>
<tr>
<td>Rate (Crime per 1 lakh SC population)</td>
<td>20.14</td>
<td>19.57</td>
</tr>
<tr>
<td>Cases pending for investigation including pending cases from previous year at the end of year</td>
<td>40187</td>
<td>51260</td>
</tr>
<tr>
<td>Pendency rate (%)</td>
<td>16.3</td>
<td>27.6</td>
</tr>
<tr>
<td>Charges found false</td>
<td>5738</td>
<td>7851</td>
</tr>
<tr>
<td>As % of total cases for investigation</td>
<td>14.3</td>
<td>15.3</td>
</tr>
<tr>
<td>Pendency rate of trials in courts (%)</td>
<td>82.6</td>
<td>84.1</td>
</tr>
<tr>
<td>Conviction rate</td>
<td>34.1</td>
<td>23.8</td>
</tr>
</tbody>
</table>

*Source: NCRB Reports*

The overall conviction rate for crimes against SCs under different sections stands at 23.8 per cent. The conviction rate for crimes against SCs in heinous crimes such as murder, rape and kidnapping is low—43.2 per cent, 30.4 per cent and 29.9 per cent respectively. Such rate is even very low at 16.9 per cent for cases registered under SC/ST (PoA) Act, 1989. Among states, Bihar has maximum number of crimes against dalits next only to Uttar Pradesh and Rajasthan. The conviction rate, however, is relatively low in Bihar as compared to Uttar Pradesh, Rajasthan and Madhya Pradesh. States such as Andhra Pradesh (9.1 per cent), Odisha (6.3 per cent) and Karnataka (4.8 per cent) with more than 2,000 cases of crimes against SCs had a worse conviction rate than Bihar. In the category of crimes under SC/ST (PoA) Act, 1989, the performance of the justice system was even worse. The national conviction rate in these cases was merely 16.9 per cent, worse than the national average for overall crimes against SCs (23.8 per cent) (NCRB, 2014).

In brief, there has been an absolute increase in the number of atrocities on SCs over the years. The relative decline in atrocities is marginal. Such atrocities on SCs are widespread phenomenon. There are several hundred cases of various forms of atrocities afflicted on Dalits by other caste while demanding their wages, purchasing land, sharing mid day meal in schools, discriminatory behavior of Agnawadi workers while delivering their services, segregation of agnawadis and schools on the lines of castes, discrimination in sharing of water from a common source, discrimination in co-curricular activities in schools, denial of choice of occupation, denial of entry into temples, raising voices against their exploitation, organizing themselves for a social change, assertion of their economic, social and political rights, etc. Dalit women are doubly disadvantaged as they become more vulnerable to atrocities related to rape and other forms of sexual violence (Trivedi, 2007). This reconfirms that the atrocities committed on SCs present a pattern which is reflective of the
continuing of the customary rules and norms of behavior of the caste system and the intertwining of the moral and legal values (Ram, 2004; Thorat and Negi, 2007; Sushmita, 2014).

It is argued that globalization has the potential to provide employment opportunities to Dalits and bring them out from the caste-based occupations. Such liberation shall result gradual decline in atrocities against Dalits. However, the data show no substantive decline in crimes and atrocities on Dalits during the faster pace of globalisation and high growth period in India during the decade of 2000.

The enactment of SC and ST (PoA) Act 1989, which is widely acknowledged as a landmark legislation in the journey to end injustice, violence and atrocities against Scheduled Castes (SCs) and Scheduled Tribes (STs), could hardly help in preventing atrocities on SC/STs. It was implemented in furtherance of the constitutional promises contained in Article 21 (Right to Life), Article 17 (Abolition of ‘untouchability’), and Article 46 (mandating the State to protect SCs and STs from all forms of exploitation and social injustice). The National Advisory Council under the UPA-II regime advocated to strengthen/amend the SC/ST(PoA) Act, 1989 owing to its poor implementation in its present form. It highlighted following problems in the implementation of the Act that needed to redressed on priority basis:

a. Procedural hurdles such as non-registration of cases
b. Procedural delays - in investigation, arrests and filing charge-sheets
c. Delays in trial and low conviction rate
d. Procedural delays in providing relief and rehabilitation to victims, and inadequate rates of compensation (NAC, 2012).

The underlying causes of crimes, civil rights violation and atrocities on SCs are generally related with caste system, endogamy, untouchability, poverty, economic dependence on other caste, exploitation and retaliation by other castes. The growing awareness associated with economic as well as political empowerment of SCs about their rights and entitlements over the years and their rising voices against the injustices inflicted on them by other caste groups have invited the wrath of other caste. Their movements for rights, identity and dignity were often retaliated by upper caste persons and state machinery could help them in much less than desired manner. The people opted for struggles because the Constitution and judiciary failed to give them justice. The court even refused to punish the murders of the people who were killed during the movements (Sushmita, 2014). Such trends weaken the struggles of poor such as SC/ST. For example, a steep increase in the cases of crimes and atrocities on SCs in states like Maharashtra only reconfirms the failure of Dalit movement under their community leaders in ensuring safety and justice. “A number of less well-known dalit organizations in Maharashtra have demanded that police and government officials who neglect investigations into dalit atrocities should face punitive action. The Government administration must be seen to be proactive on crimes against dalits, even when simple assertions of Dalit rights are violently attacked by the dominant castes. But for that to happen the political ruling class needs to rid itself of castiest prejudices and beliefs.” (EPW editorial, 2014, p. 8).

WAY AHEAD

Despite comprehensive constitutional provisions and subsequent policies and programs, the situation of SC as well STs has improved at less than desired rate. They still suffer with high incidence of poverty, vulnerability and atrocities largely due to their social exclusion and discrimination. The experience of Maharashtra and Tamil Nadu indicates that the existence of broad-based social reform movements is no guarantee for dalit human rights and also highlights the limitations of hitherto
existing movements of dalit emancipation. Thus, addressing the whole issue of vulnerability and atrocities on Dalits would require new thinking altogether which accelerates economic well-being of Dalits at a faster pace, embolden the social reforms and intensifies cultural movements to change societal mindsets. This would necessitate to revisit the existing acts, programmes of empowerment and their guidelines, monitoring mechanisms, training and sensitisation programmes, and make necessary measures to effective programme delivery at a faster pace. The long delays in getting justice for crimes and atrocities committed on SCs also shows the limitations of the judicial system, which need to be addressed.

**Making Social Inclusion Central for Reducing Inequalities**

The strategy is to be undertaken in human rights based approach that tackles exclusion and inequalities—not just poverty (Mamgain, 2013). This social inclusion led inequality reduction perspective should not only form the centrality of new development framework, but also it must view unequal distribution of development outcomes as unacceptable. For SCs and STs who suffer from a historical disadvantage in terms of their access to resources, this perspective assumes importance, which would make the Government accountable in its actions aimed at reducing such inequalities.

**Monitoring**

Regular monitoring is crucial to ensure proper functioning of a programme. Ironically, despite monitoring mechanisms there are deficiencies in the service delivery and caste-based discrimination. There is a need to empower other committees with clear guidelines relating to roles and responsibilities. Equally important is giving effective representation of marginalised groups committee members particularly at grass root levels for better monitoring for their cause. Periodicity of meetings and follow up would need tight monitoring committee members. The existing guidelines need to be made caste sensitive to address social background related discrimination and exclusion.

**Training and Sensitisation**

There is need for periodic training in service delivery and its management for the line department workers related to various programmes as it is very weak at present. This would require production and distribution of training material among the service providers. The IEC material should focus on sensitising all the service providers including the higher officials on methods of promoting non-exclusionary and non-discriminatory nutritional support services to target groups. The focus should be sensitising and providing training of the grass root level worker as well as local opinion leaders. Community level awareness on the impact of the exclusion and discrimination need to be pegged up. The government should not heed to the pressures from upper caste, like barring SC and other marginalised from employing as cook in the MDM and ICDS.

**Administrative Guidelines**

Though there is a legal framework for addressing discrimination based on caste and religion, there are few administrative guidelines to safeguard the interests of marginalised and poor communities. The scheme-specific guidelines need to be revised to ward off discriminatory practices in service delivery. Rather than taking strict punitive action against those who violate those guidelines, which is generally weak in implementation, the best performing service providers can be rewarded based on their work rendering of quality service at the cluster, block, district, state and national level.
Governance, Institutions, Accountability and Effectiveness

It must ensure that the institutions which have been created for governance effectively reach out to the most marginalised and deprived population groups, and urgently act upon their voices and concerns.

Improving Data and Information Base

The lack of such information on various social, economic, political and cultural issues of development targeted at the different social and religious groups as also at the regional levels is seriously jeopardising group-specific policy planning and interventions. Over the years, the capacities of official data collection departments have been seriously eroded due to declining manpower and financial resources. The management of information systems (MIS) of major flagship schemes of the Government of India have yet to provide disaggregated information on the progress of various programmes. The present national statistical system in India needs a major expansion in terms of manpower and financial resources for the collection of periodic information for various social groups and sub-groups at the district and sub-district levels. Thus, data collection institutions need to be strengthened to be able to collect data at more disaggregate levels, make information easily available through simpler forms, and improve both the periodicity, and more importantly, quality control related to the information generated. These measures would facilitate informed policy formulation, better programme design and implementation.

Engaging CSOs in Consultative Development Planning and Monitoring

It is critical to promote the active engagement of CSOs and NGOs dealing with SCs/STs for building a consensus around the key themes and strategies relating to their development. This would necessitate measures for capacity building and leadership development programmes for CSOs overseeing SC/ST interests, thereby enabling their mobilisation against injustice, by effectively participating in Government programmes and demanding their due entitlements in economic, social, political and cultural spheres.

References


Clark, Gregory and David Zach Landes (2010), Caste versus Class: Social Mobility in India 1870-2010 compared to England, 1086-2010, University of California Press.


