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Justice to Dalit and Prevention of Atrocities Act: An Empirical Review

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Abstract: ***The egalitarianism of their dream is utopia but anyhow a statute under Article 14 of the Constitution which states that all persons irrespective of any factor is equal before the law. This paper, though in its limited word frame, will deal with the Dalit atrocities as they face in getting justice and how far has the Indian legal system been up-to-the-mark in providing for the atrocity and equality in the society. The Prevention of Atrocities Act will also be discussed, as it is the prima facie factor for the prevention of inequality in the eyes of law.***

Keywords: Dalit Atrocities, Prevention of Atrocities Act, Article 17, Social Justice, Caste Discrimination, Judicial Activism, Indian Constitution.

I. INTRODUCTION

The Dalits in India face a looming charge of caste by birth which it carries till death. The rebirth or any such theory of Vedas does not apply to Dalit. Dalit crimes are either not reported on time or are not registered considering the caste inequality or the idea of justice, as it is, looks like a sword upon her, itself. The idea of the burden of proof in proving the crime done upon him is on the Dalit itself. The justice system is too weak to address the Dalit atrocity in a manner it does to the higher-order caste, that the case of Dalit being faced with a crime lags the judicial recognition. Article 17 of the Indian Constitution states that there shall be no untouchability being in practice. But, the point looms to the extent it has been applicable? And also, to the point where the law intervenes for the punishment for practicing untouchability?

The matter does not suffice itself to the practice of untouchability or exploitation of right to equality; India is a vast ocean of irregularities in the legal framework where often seen is that Dalit is drowned under the constitutional guidelines. On the pretext of getting justice from the courts which are indeed the temples of law, Dalits have just been exploited for what their past is or are seen with a vision of derogatory stances in which they are either at the lower bottom level to get justice or are not even entertained. As per National Crime Records Bureau (NCRB) data, a total of 1,88,991 crimes against SCs were registered under different laws from 2011 to 2014. The year 2014 witnessed an increase by 19.4% from the previous year, in terms of crimes committed against SCs under the crime heads of 'Dacoity', 'rape', 'kidnapping & abduction' and 'hurt' in general, and 'SC/ST (Prevention of Atrocities) Act' specifically. Uttar Pradesh, sharing 20.5% of the SC population, accounted for 17.2% of the total such cases reported in the country, followed by Rajasthan (17.1%), Bihar (16.8%), Madhya Pradesh (8.8%), and Andhra Pradesh (8.7%).

Year	Number of Cases Registered	Cases Found False/Mistake, etc.	Cases Closed after Police Investigation	Charge
	SC	ST	SC	ST
2001	562	235	0	0
2002	560	252	32	7
2003	647	223	12	10
2004	689	233	52	8
2005	844	230	2	1
2006	1,001	270	42	8
2007	1,138	248	49	14
2008	1,173	286	12	3
2009	1,032	240	17	7
2010	1,106	297	21	11

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II. RESEARCH OBJECTIVES AND SCOPE

This paper aims to critically analyze the effectiveness of the legal and constitutional safeguards established to prevent atrocities against Dalits in India. The specific objectives are:

1) To examine the constitutional framework intended to ensure equality and justice for Dalits.
2) To evaluate the implementation and efficacy of the Prevention of Atrocities (PoA) Act, 1989.
3) To analyze the key provisions and potential impact of the PoA Amendment Act, 2014.
4) To identify the primary systemic and societal barriers that hinder the delivery of justice to Dalit victims.

The study is based on a thorough review of constitutional statutes, judicial pronouncements, governmental reports, and existing literature on the subject. While mindful of the limited word frame, the paper includes the most relevant and subjective study prospects related to Dalit atrocities to provide a comprehensive narrative.

III. METHODOLOGY

This research employs a qualitative, doctrinal legal research methodology. The approach involves an in-depth analysis of primary sources, including the Constitution of India, the Prevention of Atrocities Act (1989) and its 2014 Amendment, and landmark judgments from the Supreme Court of India. Secondary sources such as reports from the National Crime Records Bureau (NCRB), academic journals, and legal commentaries are also extensively referenced to contextualize the legal analysis with empirical data and scholarly perspectives.

IV. LEGAL AND CONSTITUTIONAL FRAMEWORK FOR DALIT JUSTICE

A. Abolition of Untouchability: Article 17

Article 17 of the Indian Constitution is a fundamental right that abolishes untouchability and forbids its practice in any form. It is a direct reflection of the Human Rights Declaration of the UN. The Supreme Court, in State of Karnataka v. Appa Balu Ingale, the first major case on untouchability, held by Justice K. Ramaswamy:

"The thrust of Article 17 is to liberate the society from blind and ritualistic adherence and traditional beliefs which lost all legal or moral base. It seeks to establish a new ideal for social equality to the Dalits as par with the general public, absence of disabilities, restrictions or prohibitions on grounds of caste or religion, availability of opportunities, and a sense of being a participant in the mainstream National life."

The main idea behind guaranteeing Article 17 is to provide egalitarianism. Though the idea is hard to achieve, the Supreme Court in its landmark judgments has provided justice to it. On a public interest litigation, the Nathdwara Temple Act was passed, where the Hon'ble Court declared that banning the entry of so-called Untouchables or Harijans is against Articles 14, 15, and 17 of the Indian Constitution.

B. Equality before Law: Article 14

Article 14, which provides for equality before the law, is one of the main facets of the Indian Constitution. It embodies every citizen's equal right before the law and makes the vision of the law go beyond caste or creed or any inequality. The Supreme Court held in Dalmia Cement (Bharat) Ltd. v. Union of India that:

"The concept of equality and equal protection of laws guaranteed by Article 14 in its proper spectrum encompasses social and economic justice in political democracy and equality before the law is co-relative to the concept of rule of law for all-around evaluation of healthy social order. A basic postulate of the rule of law is that 'Justice should not only be done but it must also seem to be done.'"

A healthy social order is only possible in India if the members of Scheduled Castes and Scheduled Tribes are brought at par with other members of Indian communities.

C. Protective Discrimination and Legal Aid: Articles 15 & 39-A

Education that makes one a complete human was critically denied to Dalit students. Despite Articles 17, 14, and 15, education was a preliminary matter denied to the Dalit students. Either the process of admission was made so rigid that SC/ST or Dalit could not pass through it, or there was discrimination based on caste. The egalitarian ideal of constitutional makers seems to have been failing until the first amendment, which added clause 4 to Article 15, specifying reservations for Dalits, SC/ST, and backward classes.

The atrocities for the Dalits are no less in getting legal support and justice. Most often, the class factor of Dalits comes from a poor financial background.

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So, even if a case for their atrocities comes up in the courts, they do not have the financial aid to sponsor it to get justice delivered. Thereby, the forty-second amendment to the Indian Constitution explicitly proclaimed through Article 39-A the provision of free legal aid to any person who cannot afford it. This act has created a balance in the attainment of justice, as now the Dalit or poor will not restrict themselves from registering a crime against him or her, knowing that the legal aid system will provide justice at no extra cost.

V. ANALYSIS OF THE PREVENTION OF ATROCITIES ACT AND ITS IMPLEMENTATION

A. The Prevention of Atrocities (PoA) Act, 1989: Intent and Reality

There has been an alarming rate of atrocities against Dalits, SC/ST, and other backward classes. Many cases against their dignity and self-respect go unchecked and unreported. Even if a Dalit community member tries to fight for justice, the prejudice is so that the court views it from the blind eyes of caste and caste-based nature of the case. Cases such as the gang rape of Dalit women have either not been reported or, if reported, went uncharged. The fear of cross-examination in such cases and proof of witnesses — all together becomes an ordeal for the Dalits to entertain the case. This is happening despite the presence of constitutional mandates. The law, though it provides for safeguards for Dalits and equal protection before the law, the stringent thought process for such a community is so deeply entrenched into the minds of judges, lawyers, or the legislature that they make no effort for creating an equal balance but rather create a separate category for Dalits and their related cases to be viewed from an unequal standpoint. The Prevention of Atrocities Act, 1989, created by the Constitution, explicitly makes provisions for the punishment and other relevant provisions for safeguarding the rights of the Dalits and SC/ST communities. A brief definition of the PoA Act is as follows: “An Act to prevent the commission of offenses of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts and the Exclusive Special Courts for the trial of such offenses and the relief and rehabilitation of the victims of such offenses and matters connected therewith or incidental thereto.” However, the implementation is severely flawed. The various mandatory and accountability mechanisms to monitor the implementation of the PoA Act—such as periodic reviews of cases, performance of SPPs, reviews by the SC/ST Protection Cell, Nodal Officer, and State and District Level Vigilance Monitoring Committees (SVMCs and DVMCs)—are more widely flouted than adhered to. Even though SVMCs and DVMCs have been constituted in many states, in the absence of regular meetings, no follow-up action emerges. Furthermore, victims and witnesses of atrocities are not informed about their rights and entitlements to travel and daily allowances to enable them to attend court hearings. The states are mandated to declare atrocity-prone areas, yet by 2013, only ten states had identified 171 districts as such.

B. The PoA Amendment Act, 2014: A Necessary Corrective?

The provisions present in the PoA Act were somehow reflective of not being adequate to end the atrocities. The amendment was intended to improve the conviction rate and reduce the high acquittal rate. The provisions in the amendments were meant to suffice the contemporary scenarios in which Dalits face stringent irregularities in achieving legal justice.

Key Provisions of the Amendment:

- Provision of rights for victims and witnesses (e.g., protection from harassment).
- Inclusion of a new chapter on the National Monitoring and Enforcement Authority.
- Better infrastructure facilities, including forensic support.
- Strengthening of monitoring committees.
- Specific amendments to clauses relating to enforcement authorities by amending Section 4 of the PoA Act on negligence of official duties, including not registering an FIR, delaying investigations, and impolite treatment by police.
- Problems in Implementation Persist:
- Procedural hurdles such as non-registration of cases.
- Procedural delays in investigation, arrests, and filing charge-sheets.
- Delays in trial and low conviction rate.
- Delays in providing relief and rehabilitation to victims.
- Inadequate compensation rates.

C. A Case Study in Systemic Failure: The Swapnil Example

Swapnil, a 17-year-old Dalit boy, was murdered for being in a relationship with an upper-caste girl. His family, denied access to police and protection, faced complete institutional apathy. Their FIR was ignored and justice was denied — symbolizing the larger failures of enforcement and the systemic bias that renders legal safeguards ineffective for the most vulnerable.

VI. CONCLUSION

The Dalit community has always been on the verge of getting justice delayed. This is due to the narrow approach and backward thinking of lawmakers and jurists, stuck in the old Vedic timeframe of caste scrutiny. All that has been mentioned above reflects the provisions available to protect Dalits from atrocities. But the point is — how far are they being applied and implemented? The day-to-day discrimination of the Dalits and the inequalities they face at modern institutions are never-ending.

The research essentially highlights an inconsistency: though AI grips huge control to transform HRM, it is depending upon the meeting of structural, technical, and human basics. Corporations must deploy AI sensibly, detection a poise among invention, morals, scheme honesty, and employee appointment.

The core impediment is not the absence of robust laws, but the deep-rooted casteist mindset that permeates the law enforcement and judicial machinery. The government should create awareness about the rights of Dalits so that they can approach courts and other legal parameters that could be easily addressed. A country like India, which is secular and provides for a welfare state, must include the subaltern classes of its society so that there is far more equality than what is present in real and contemporary India.

VII. RECOMMENDATIONS

Strict Enforcement: Ensure regular meetings and functioning of State and District Level Vigilance Monitoring Committees as mandated by the PoA Act.

Sensitization Programs: Conduct mandatory and periodic sensitization programs for police, judiciary, and administrative officials on caste bias and the provisions of the PoA Act.

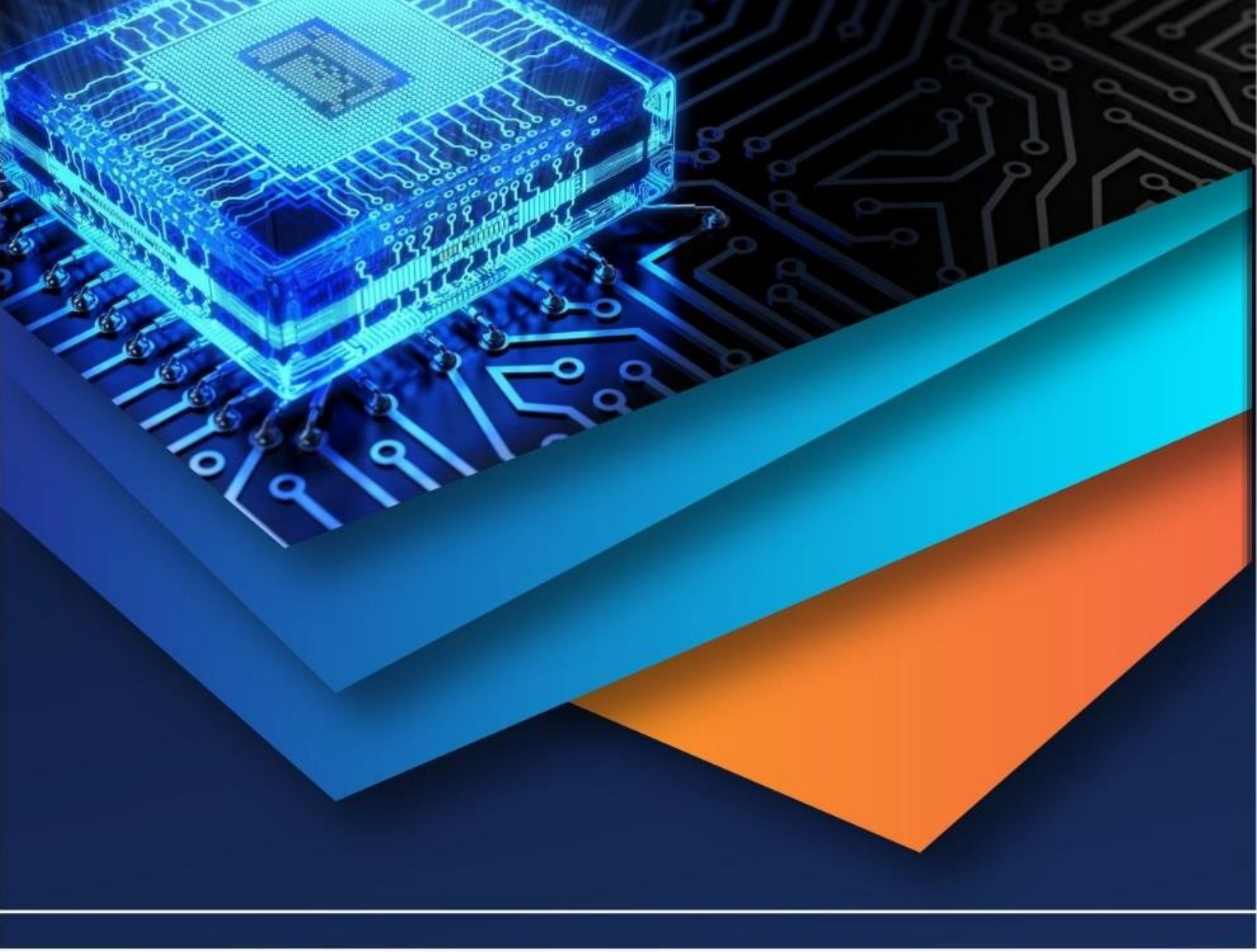
Public Awareness Campaigns: Launch nationwide campaigns to educate Dalit communities about their legal rights and the availability of free legal aid.

Empower Monitoring Bodies: Provide the National Monitoring and Enforcement Authority with adequate powers and resources to ensure effective coordination and implementation at the state level.

Fast-Track Courts: Ensure the dedicated functioning of Special Courts with a focus on timely disposal of atrocity cases to prevent delays that lead to witness intimidation and loss of faith in the system.

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