

CHAPTER-7

CRIME AGAINST PERSONS BELONGING TO SCs / STs

India is committed to the welfare and development of its people in general and of vulnerable sections of society in particular. Equality of status and opportunity to all citizens of the country is guaranteed by the Constitution of India which also provides that no individual shall be discriminated against on the grounds of religion, caste or sex. Fundamental Rights and other specific provisions, namely, Articles 38, 39 and 46 in the Constitution of India stand testimony to the commitment of the State towards its people. The strategy of the State is to secure distributive justice and allocation of resources to support programmes for social, economic and educational advancement of the weaker sections in general and those of Scheduled Castes and Scheduled Tribes, Backward Classes in particular.

Constitutional Rights

The Indian Constitution vide Article 15 lays down that no citizen shall be subjected to any disability or restriction on the grounds of religion, race, caste, sex or place of birth. It also guarantees that every citizen shall have equality of status and opportunity.

The problems of social inequality and class divide in a

country like India with heterogeneous groups and sub-groups needs to be recognised and resolved by all available democratic measures including special legislations to deal with particular acts constituting offences against such weaker sections of the society. 'Scheduled Castes' and 'Scheduled Tribes' are two such identified social groups. Article 46 of the Constitution of India expressly provides that the State shall promote the educational and economic upliftment of the Weaker Sections of the society, in particular of SCs & STs with special care and shall protect them from injustice and all forms of exploitation.

Legal Rights

Special social enactments have come into force from time to time for them in order to uphold the Constitutional mandate and safeguard the interests of this section of the society.

The major legal enactments at the national level are:

- (i) Protection of Civil Rights Act, 1955;
- (ii) SC/ST (Prevention of Atrocities) Act, 1989

The Protection of Civil Rights Act, 1955 was enacted in furtherance

of Article 17 of the Constitution to abolish untouchability and its practice in any form. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was brought into force from 30th January 1990 in order to check and deter crimes against SCs/STs by persons belonging to other Communities. These enactments have extended the positive discrimination in favour of SCs and STs to the field of criminal law in as much as they prescribe penalties that are more stringent than the corresponding offences under Indian Penal Code (IPC) and other laws. Special Courts have been established in major States for speedy trial of cases registered exclusively under these Acts.

Classification of Crimes

The crimes against Scheduled Castes/Scheduled Tribes are broadly categorised under two major heads:

- (1) **Under the Indian Penal Code (IPC)**
 - (i) Murder
 - (ii) Hurt
 - (iii) Rape
 - (iv) Kidnapping & Abduction
 - (v) Dacoity
 - (vi) Robbery
 - (vii) Arson
 - (viii) Others (other classified IPC crimes)

- (2) **Under Special Laws (SL)**

- (i) Protection of Civil Rights Acts, 1955
- (ii) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The crimes under IPC such as 'Murder', 'Hurt', 'Rape', etc. or under Special Acts such as Protection of Civil Rights Act & Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are already included in overall crimes reported under IPC and SLL respectively and have been discussed in details in the preceding chapters. The specific crimes against SCs/STs discussed in the following paragraphs are part and parcel of total crimes but analysed separately for comprehension of crimes committed against SCs & STs.

The data on crimes against SCs/STs are being compiled with provision for district-wise reporting of these crimes with effect from the year 2001. Cases under the Protection of Civil Rights Act and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act have been segregated for SCs and STs to have clear picture of all the crimes against each category. Cumulative totals of crime statistics available on monthly basis were used for analysis till 2000 which did not distinguish true or false cases, therefore, the incidence of crime reported in the year 2001 and later years may not be comparable with figures of earlier years.

Crime Against Scheduled Castes

Incidence of Crime - National (Incidence (IPC+SLL) 30,031)

The year 2007 has witnessed an increase of 10.9% in crime against Scheduled Castes as 27,070 cases reported in 2006 have increased to 30,031 cases in 2007. This increase was observed in all heads except Dacoity, Robbery and cases under Protection of Civil Rights Act. Dacoity and Robbery cases showed a decline of 23.3% and 4.4% respectively in 2007 over 2006. Cases registered under PCR Act showed a considerable decline of 49.1% in 2007 over 2006. Kidnapping & Abduction cases reported an increase of 18.6% in 2007 over 2006. Uttar Pradesh and Rajasthan accounted for 20.5% and 13.9% of the total cases (30,031) reported in the country followed by Madhya Pradesh (13.7%).

Crime rate (Crime rate...2.6)

The rate of crime against Scheduled Castes increased from 2.4 in 2006 to 2.6 in 2007. Rajasthan reported the highest crime rate in 2007 which stood at 6.5. The other States reporting higher crime rate were Madhya Pradesh (6.0) and Andhra Pradesh (4.1) against the National average of 2.6.

Crime head-wise Analysis of Crimes Against Scheduled Castes

Murder (Incidence...674 Rate...0.1)

A total of 674 cases were reported in the country during 2007 compared to 673 cases in 2006 thereby reporting a marginal increase of 0.1% during 2007. Uttar Pradesh has accounted for 46.0% of the total Murder cases reported in the country (310 out of 674).

Hurt (Incidence...3,814 Rate...0.3)

A total of 3,814 cases were reported during 2007 as compared to 3,760 cases in 2006 in the country thereby reporting an increase of 1.4% during the year. Madhya Pradesh has reported the highest 664 (out of 3,814) cases accounting for 17.4% of the total cases. It also reported the highest crime rate at 1.0 as compared to the National average of 0.3.

Rape (Incidence...1,349 Rate...0.1)

A total of 1,349 cases of Rape of women belonging to Scheduled Castes were reported in the country as compared to 1,217 cases in 2006, thereby reporting an increase of 10.8% in 2007 over 2006. Madhya Pradesh has reported 343 cases accounting for 25.4% at the National level. It also reported the highest crime rate at 0.5.

Kidnapping & Abduction (Incidence...332)

A total of 332 cases of Kidnapping & Abduction of Scheduled Castes were reported during the year 2007 as compared to 280 cases in 2006 thereby reporting an increase of 18.6%. Uttar Pradesh has reported 153 (46.1%) cases during 2007.

Robbery (Incidence...86)

A total of 86 cases of Robbery were reported during the year as compared to 90 cases in the previous year thereby reporting a decline of 4.4%. Gujarat has reported the highest (19) number of cases followed by Uttar Pradesh (14). These two States together shared 38.4% of total cases reported in the country.

**Table-7(A)
Comparative Incidence of Crime Against Scheduled Castes**

Sl. No.	Crime-Head	Year					% Variation in 2007 over 2006
		2003	2004	2005	2006	2007	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1.	Murder	581	654	669	673	674	0.1
2.	Rape	1,089	1,157	1,172	1,217	1,349	10.8
3.	Kidnapping & Abduction	232	253	258	280	332	18.6
4.	Dacoity	24	26	26	30	23	-23.3
5.	Robbery	70	72	80	90	86	-4.4
6.	Arson	204	211	210	226	238	5.3
7.	Hurt	3,969	3,824	3,847	3,760	3,814	1.4
8.	Protection of Civil Rights Act	634	364	291	405	206	-49.1
9.	SC/ST(Prevention of Atrocities) Act	8,048	8,891	8,497	8,581	9,819	14.4
10.	Others	11,401	11,435	11,077	11,808	13,490	14.2
	Total	26,252	26,887	26,127	27,070	30,031	10.9

Dacoity (Incidence...23)

A total of 23 cases of Dacoity were reported during 2007 as compared to 30 cases in 2006 thereby reporting a decrease of 23.3%. Gujarat reported the highest number of 7 cases, accounting for 30.4% of total cases.

Arson (Incidence...238)

Country-wide 238 cases of Arson were reported in 2007 as compared to 226 cases in the year 2006 reporting an increase of 5.3% during 2007. Uttar Pradesh has reported the highest 66 number of cases followed by Rajasthan (36 cases) and Madhya Pradesh (32 cases). These 3 States together have accounted for 56.3% of total cases reported in the country.

Protection of Civil Rights Act (Incidence...206)

A total of 206 cases were reported in 2007 as compared to 405 cases in the year 2006 thereby reporting a considerable decline of 49.1% in 2007 over 2006. *Andhra Pradesh* has reported the highest 122 number of cases followed by *Maharashtra* (20 cases) and *Karnataka* (17 cases). These three States accounted for 77.2% of total cases reported in the country).

SC/ST (Prevention of Atrocities) Act (Incidence...9,819 Rate...0.9)

A total of 9,819 cases were reported under this Act in 2007 as compared to 8,581 in 2006 thereby reporting an increase of 14.4%. Uttar Pradesh has reported 2,113 cases accounting for 21.5% of the total cases reported in the country followed by *Bihar* (19.7%) and *Andhra Pradesh* (12.2%). The rate of crime was highest in *Bihar* at 2.1 as compared to National rate of 0.9.

Crimes against Scheduled Tribes (Incidence (IPC+SLL)...5,532 Rate...0.5)

A total of 5,532 cases against Scheduled Tribes were reported in the country during 2007 as compared to 5,791 cases in 2006 showing a decline of 4.5% in 2007 over 2006. The decline was observed in all heads except Kidnapping & Abduction, Arson and Hurt. The details are presented in Table-7 (B). Madhya Pradesh has reported 27.1% (1,501)

of the total cases in the country. However the crime rate was highest in Arunachal Pradesh at 2.7 as compared to only 0.5 at National level.

Crime head-wise analysis of Crimes Against Scheduled Tribes

Murder (Incidence...140)

A total of 140 cases of Murder of Scheduled Tribes were reported in 2007 as compared to 195 cases in 2006, showing a decline of 28.2%. *Madhya Pradesh* has reported 33.6% (47 cases) of the total cases reported in the country.

Rape (Incidence...627 Rate...0.1)

A total of 627 cases were reported in 2007 as compared to 699 cases in 2006 showing a decline of 10.3% in 2007. *Madhya Pradesh* has reported the highest number of cases (288) accounting for 45.9% cases of the total cases in the country.

Kidnapping & Abduction (Incidence...89)

The incidents of Kidnapping & Abduction have slightly increased by 1.1% in the year 2007 over the previous year (2006) when 88 cases were reported. *Madhya Pradesh* has reported highest (17) cases followed by *Andhra Pradesh*, *Assam* and *Orissa* (10 cases each). These four States taken together accounted for 52.8% of the total cases reported in the country.

**Dacoity
(Incidence...9)**

A total of 9 cases were reported in the country during 2007 as compared to 12 cases in the year 2006 showing a decrease of 25.0% over the previous year. 4 out of 9 cases were reported from Jharkhand and 3 cases were reported from Assam. 1 case each was reported from Chhattisgarh and Maharashtra.

**Robbery
(Incidence...21)**

A total of 21 cases were reported during 2007 as compared to 29 cases in 2006. Assam has reported 23.8% (5 cases) and Orissa 19.0% (4 cases) of the total cases reported in the country.

**Hurt
(Incidence...855
Rate...0.1)**

A total of 855 cases were reported during 2007 as compared to 838 cases in 2006 showing an increase of 2.0% in 2007. Madhya Pradesh, by reporting 207 cases, has accounted for 24.2% of total cases reported in the country followed by Orissa (150 i.e., 17.5% cases). The crime rate was highest at 1.4 in Sikkim as compared to National average of 0.1.

**Arson
(Incidence...54)**

A total of 54 cases were reported in 2007 as compared to 46 cases in 2006 showing an increase

of 17.4%. Rajasthan has accounted for 51.9% (28 cases) of total such cases reported in the country.

**Protection of Civil Rights Act
(Incidence...5)**

A total of 5 cases were reported during 2007 as compared to 49 cases in 2006 showing a steep decline of 89.8% over 2006. *Andhra Pradesh has reported maximum 3 cases* followed by Sikkim and West Bengal (1 case each).

**SC/ST (Prevention of Atrocities)
Act
(Incidence...1,104
Rate...0.1)**

A total of 1,104 cases were reported in 2007 as compared to 1,232 cases in 2006, showing a decline of 10.4%. Andhra Pradesh has accounted for 27.4% (303 cases) at the National level which was followed by Madhya Pradesh (206) and Chhattisgarh (143). Chhattisgarh reported the highest crime rate at 0.6 as compared to 0.1 at the National level.

**Disposal of Crimes by Police
& Courts**

The general trend of disposal of IPC and SLL crimes by police and courts has already been discussed in detail in Chapter-4. The average charge-sheeting rate for the crimes against Scheduled Castes and Scheduled Tribes stood at 90.6% and 96.5% respectively in comparison to National level general charge-sheeting rate of 80.1% for IPC crimes and 95.8% for SLL crimes.

Table-7(B)
Comparative Incidence of Crime Against Scheduled Tribes

Sl. No.	Crime-Head	Year					% Variation in 2007 over 2006
		2003	2004	2005	2006	2007	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1.	Murder	185	156	164	195	140	-28.2
2.	Rape	551	566	640	699	627	-10.3
3.	Kidnapping & Abduction	69	79	72	88	89	1.1
4.	Dacoity	30	40	27	12	9	-25.0
5.	Robbery	46	50	49	29	21	-27.6
6.	Arson	38	33	38	46	54	17.4
7.	Hurt	790	767	767	838	855	2.0
8.	Protection of Civil Rights Act	37	11	162	49	5	-89.8
9.	SC/ST(Prevention of Atrocities) Act	1,340	1,175	1,283	1,232	1,104	-10.4
10.	Others	2,803	2,658	2,511	2,603	2,628	1.0
	Total	5,889	5,535	5,713	5,791	5,532	-4.5

The average conviction rate for crimes against Scheduled Castes and Scheduled Tribes stood at 30.9% and 29.0% respectively as compared to overall conviction rate of 42.3% relating to IPC cases and 83.8% relating to SLL cases. The crime head-wise and State/UT-wise details of disposal of crimes against Scheduled Castes are presented in Table-7.3 to Table-7.8 while those for Scheduled Tribes are presented in Table-7.11 to Table-7.16.

Disposal of Persons Arrested by Police and Courts

51,705 persons (78.9%) out

of 65,544 persons arrested for committing crimes against Scheduled Castes could be charge-sheeted by the police. Only 13,871 persons could be convicted out of 47,136 persons against whom trials were completed representing a conviction rate of 29.4%.

8,228 persons out of 9,483 persons arrested for crimes committed against Scheduled Tribes could be charge-sheeted accounting for 86.8% charge-sheeting rate. Only 2,183 persons could be convicted out of 8,073 persons against whom trials were completed representing 27.0% conviction rate. The details are presented in Table-7.17 to Table-7.24.