

## 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 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 to avoid injustice and exploitation.

#### ***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 including privileges by way of reservations for them in order to uphold the Constitutional mandate and to 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 30<sup>th</sup> 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.

National Commission for SCs and STs was constituted w.e.f. 12<sup>th</sup> March 1992 in pursuance of the Constitution 65<sup>th</sup> Amendment Act, 1990 with wide functions and powers of Civil Court to take up matters which are of vital importance for socio-economic development of SCs and STs.

#### ***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 PCR Act & SC/ST (PoA) 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 SC/ST discussed in the following paragraphs are part and parcel of total crimes but analysed separately for comprehension of crimes committed against SC & ST.

The data on crimes against SC/ST 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)... 26,127)

*The year 2005 has witnessed a*

*decrease of 2.8 per cent in crime against Scheduled Castes as 26,887 cases reported in 2004 have decreased to 26,127 cases in 2005.*

This decrease was observed in a few heads under which data of crime against Scheduled Castes were collected viz. SC/ST (Prevention Atrocities Act), Protection of Civil Rights Act and 'Other Crimes'. *Cases registered under PCR Act showed a drastic decline of 20 percent in 2005 over 2004.* Robbery cases reported an increase of 11.1 percent in 2005 over 2004. Uttar Pradesh and Madhya Pradesh accounted for 16.8% and 16.7% of the total cases (26,127) reported in the country followed by Rajasthan (14.5 per cent).

### **Crime rate** (Crime rate...2.4)

*The rate of crime against Scheduled Castes declined to 2.4 during 2005 as compared to 2.5 during 2004. Madhya Pradesh reported the highest crime rate in 2004 as well as 2005 which stood at 7.3 and 6.6 respectively. The other States reporting considerably higher crime rate were Rajasthan (6.2) and Andhra Pradesh (3.9) against the National average of 2.4.*

### **Crime head-wise Analysis of Crimes Against Scheduled Castes**

#### **Murder** (Incidence...669 Rate...0.1)

A total of 669 cases were reported in the country during 2005 compared to 654 cases in 2004 thereby reporting an increase of 2.3 per cent during 2005. *Uttar Pradesh has accounted for about 50 per cent of the total Murder cases reported in the country (323 out of 669).*

#### **Hurt** (Incidence...3,847 Rate...0.3)

A total of 3,847 cases were reported as compared to 3,824 cases in 2004 in the country thereby reporting an increase of 0.6 per cent during the year. *Madhya Pradesh has reported the highest 950 (out of 3,847) cases accounting for 24.7 per cent of the total*

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

Sl. No.	Crime-Head	Years					% Variati on in 2005 over 2004
		2001	2002	2003	2004	2005	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1.	Murder	763	739	581	654	669	2.3
2.	Rape	1316	1331	1089	1157	1172	1.3
3.	Kidnapping & Abduction	400	319	232	253	258	2.0
4.	Dacoity	41	29	24	26	26	0.0
5.	Robbery	133	105	70	72	80	11.1
6.	Arson	354	322	204	211	210	-0.5
7.	Hurt	4547	4491	3969	3824	3847	0.6
8.	Protection of Civil Rights Act	633	1018	634	364	291	-20.0
9.	SC/ST(Prev. of Atrocities) Act	13113	10770	8048	8891	8497	-4.4
10.	Others	12201	14383	11401	11435	11077	-3.1
	<b>Total</b>	<b>33501</b>	<b>33507</b>	<b>26252</b>	<b>26887</b>	<b>26127</b>	<b>-2.8</b>

cases. It also reported the highest crime rate at 1.4 as compared to the National average of 0.4

**Rape**  
**(Incidence...1,172 Rate...0.1)**

A total of 1,172 cases of Rape of Scheduled Castes were reported in the country as compared to 1,157 cases in 2004, reporting a marginal increase of only 1.3 per cent in 2005 over 2004. Madhya Pradesh has reported 340 cases accounting for 29.0 per cent at the National level. It also reported the highest crime rate at 0.5.

**Kidnapping & Abduction**  
**(Incidence...258)**

A total of 258 cases of Kidnapping & Abduction of Scheduled Castes were reported during the year as compared to 253 cases in 2004 thereby reporting an increase of 2.0 per cent. Uttar Pradesh has reported 99 (38.3 per cent) cases during the year.

**Dacoity**  
**(Incidence...26)**

An equal number of 26 cases were reported during 2005 as reported during 2004. Gujarat (7), Maharashtra and Uttar Pradesh (5 each) reported the highest number of such cases, which taken together accounted for 65.4 per cent of total cases.

**Robbery**  
**(Incidence...80)**

A total of 80 cases of Robbery were reported during the year as compared to 72 cases in the previous year thereby reporting an increase of 11.1 per cent. Uttar Pradesh has reported the highest (22) number of cases followed by Gujarat (17). These two States together shared 48.7 percent of total cases reported in the country.

**Arson**  
**(Incidence...210)**

Country-wide 210 cases of Arson were

reported as compared to 210 cases in the year 2004 reporting negligible decline during the year. Uttar Pradesh has reported the highest 57 number of cases closely followed by Madhya Pradesh (38 cases) and Rajasthan (32 cases). These 3 States together have accounted for 60.5 per cent of total cases reported in the country.

**Protection of Civil Rights Act  
(Incidence...291)**

A total of 291 cases were reported as compared to 364 cases in the year 2004 thereby reporting a steep decrease of 20.0% in 2005 over 2004. Bihar has reported the highest 95 number of cases followed by Andhra Pradesh 61 cases. There was a significant decline of 82.8 per cent in Tamil Nadu (12 cases in 2005 against 70 cases in 2004).

**SC/ST (Prev.) of Atrocities Act  
(Incidence...8,497 Rate...0.8)**

A total of 8,497 cases were reported under this Act as compared to 8,891 in 2004 thereby reporting decline of 4.4 per cent. Uttar Pradesh has reported 1,623 cases accounting for 19.1 per cent of the total cases reported in the country followed by Andhra Pradesh (14.6%), Bihar (13.4%) and Karnataka 13.0 per cent. The rate of crime was highest in Karnataka at 2.0 as compared to National rate of 0.8.

**Crimes against Scheduled Tribes  
(Incidence (IPC+SLL)...5,713 Rate...0.5)**

A total of 5,713 cases against Scheduled Tribes were reported in the country as compared to 5,535 cases in 2004 showing an increase of 3.2% in 2005 over 2004. An increase was observed in all heads except Rape, Kidnapping & Abduction, Dacoity and Other Crimes. The details are presented in **Table-7 (B)**. Madhya Pradesh has reported 28.3 per cent (1,615) of the total cases in the country. The rate was, however, highest in Arunachal Pradesh at 4.7 as compared to only 0.5 at National level.

**Crime head-wise analysis of Crimes  
Against Scheduled Tribes**

**Murder  
(Incidence...164)**

A total of 164 cases of Murder of Scheduled Tribes were reported in 2005 as compared to 156 cases in 2004, showing an increase of 5.1 per cent. Madhya Pradesh has reported 29.3 per cent (48 cases) of the total cases reported in the country.

**Rape  
(Incidence...640 Rate...0.1)**

A total of 640 cases were reported as compared to 566 cases in 2004 showing an increase of 13.1 per cent in 2005. Madhya Pradesh has reported the highest number of cases (294) accounting for 45.9 percent cases of the total cases in the country.

**Kidnapping & Abduction  
(Incidence...72)**

The incidents of Kidnapping & Abduction have decreased by 8.9 per cent in the year 2005 over the previous year. Assam and Madhya Pradesh have reported highest 21 cases and 14 cases taken together accounted for 48.6 per cent of the total cases reported in the country.

**Dacoity  
(Incidence...27)**

A total of 27 cases were reported in the country during 2005 as compared to 40 cases in the year 2004 showing a decrease of 32.5% over the previous year. 17 out of 27 cases were reported from Gujarat accounting for 63% of the total cases reported in the country.

**Robbery  
(Incidence...49)**

A total of 49 cases were reported during 2005 as compared to 49 cases in 2004. Gujarat has reported 40.8% (20 cases) of the total cases reported in the country.

**Hurt****(Incidence...767****Rate...0.1)**

Equal number (767) of cases were reported during 2005 as in 2004. Madhya Pradesh by reporting 199 cases has accounted for 25.9 per cent of total cases reported in the country followed by Rajasthan (117) sharing 15.3 per cent of total crime rate at 2.2 in Arunachal Pradesh.

**Arson****(Incidence...38)**

A total of 38 cases were reported as

Himachal Pradesh.

**SC/ST (Prev.) of Atrocities Act  
(Incidence...1,283****Rate...0.1)**

A total of 1,283 cases were reported as compared to 1,175 cases in 2004, showing a considerable increase of 9.2%. Madhya Pradesh has accounted for 19.6% (252 cases) at the National level which was followed by Orissa (204) and Andhra Pradesh 196. Jharkhand and Orissa each reported the highest crime rate at 0.5 as compared to 0.1 at the National level.

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

Sl. No.	Crime-Head	Years					% Variation in 2005 over 2004
		2001	2002	2003	2004	2005	
(1)	(2)	(3)	(4)	(5)		(6)	(7)
1.	Murder	167	189	185	156	164	5.1
2.	Rape	573	597	551	566	640	13.1
3.	Kidnapping & Abduction	67	69	69	79	72	-8.9
4.	Dacoity	16	37	30	40	27	-32.5
5.	Robbery	73	62	46	50	49	-2.0
6.	Arson	108	58	38	33	38	15.2
7.	Hurt	756	788	790	767	767	0
8.	PCR Act	58	47	37	11	162	1372.7
9.	SC/ST (PoA) Act	1667	1800	1340	1175	1283	9.2
10.	Others	2732	3127	2803	2658	2511	-5.5
	<b>Total</b>	<b>6217</b>	<b>6774</b>	<b>5889</b>	<b>5535</b>	<b>5713</b>	<b>3.2</b>

compared to 33 cases in 2004 showing an increase of 15.2%. Madhya Pradesh has accounted for 39.5% (15 cases) of total such cases reported in the country.

**Protection of Civil Rights Act  
(Incidence...162)**

A total of 162 cases were reported during 2005 as compared to 11 cases in 2004 showing a steep increase of 1372.7% over 2004. Jharkhand has accounted for 98.8% (160 cases) of total such cases reported in the country. Rest 2 cases were reported in

**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 94.1 per cent and 91.6 per cent respectively in comparison to the prevailing National level charge-sheeting rate of 75.8 per cent for IPC crimes and 91.9 per cent for SLL crimes.

The average conviction rate for crimes against Scheduled Castes and Scheduled Tribes stood at 29.8% and 24.5% respectively. 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***

46,936 persons (82.4%) out of 57,804 arrested for committing crimes against Scheduled Castes could be charge-sheeted by the police. Only 12,691 persons could be

convicted out of 44,842 persons against whom trials were completed representing a conviction rate of 28.3 percent. 8,273 persons out of 9,870 persons arrested for crimes committed against Scheduled Tribes could be charge-sheeted accounting for 83.8% charge-sheeting rate. Only 1,934 persons could be convicted out of 7,981 persons against whom trials were completed representing 24.2% conviction rate. The details are presented in **Table-7.17 to Table-7.24**.

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