

Review

Growing crimes against Dalits in India despite special laws: Relevance of Ambedkar's demand for 'separate settlement'

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One of the major steps the independent India took in protecting the rights and dignity of Dalits was the enactment of special laws. Despite over sixty years of implementation of such laws and many developmental measures, atrocities against Dalits continue unabated. Quoting extensively from the government data on crimes against Dalits, this article logically argues the relevance of 'separate settlement' for Dalits proposed by none other than the architect of Indian Constitution Dr. B. R. Ambedkar to end caste based injustice and violence against Dalits.

Key words: Hinduism, Caste, Dalits, human rights, untouchability, law, Constitution of India, separate settlement.

INTRODUCTION

With the proclamation of India as a sovereign secular socialist democracy committed to secure all its citizens liberty, equality and fraternity, it became an unequivocal necessity for the nation to protect every citizen from every kind of injustice and exploitation, including those exercised through the institution of caste. Depending primarily on the data provided in the report of the national crime records bureau (NCRB), published by the Government of India (also available on-line¹) and the crimes news reported in news papers every now and then, this paper, more specifically, unravels the nature and magnitude of crimes committed against the scheduled castes (SCs), popularly known as Dalits, by the non-SCs and non-scheduled tribes (STs) throughout India, their trend and inter-state variations and identifies the state where there is not only high incidence of crimes against the SCs but also high conviction rate in such cases. And at end, it examines why even the special laws have not been effective in protecting the rights and dignity of Dalits in most of the states and union territories. Tracing the various options tried in the past and why they have not been as effective as desired to protect their

interest, this article justifies the relevance of "separate settlement", an option suggested and demanded by none other than the architect of the Indian Constitution Dr. B.R. Ambedkar.

Efforts towards ending crimes against Dalits

Although in the Brahmanic interpretation of caste, the exploitation of 'upper castes' over the 'lower castes' is not to be understood as exploitation, but as God-given opportunity to rectify their past misdeeds, in the eyes of natural justice such exploitation is nothing but exploitation. The effort against caste discriminations and caste crimes was not just the post-independence initiatives. Indeed, it started as early as 6th century BC when Buddha revolted against caste discrimination and caste based exploitations.

Subsequently, the Bhakti Movements of 12th century opposed untouchability, but endorsed the *Varnashrama* or the *varna system*. The position of the neo-Vedantic movements of 19th century represented by Vivekananda, Dayananda Saraswati was also the same. While the *varna system* was considered nothing but a division of labour and membership to individual in each of the four

¹ I am thankful to my colleague Dr. Lakhan Singh who helped me in getting the data from the NCRB website and computing them as needed.

varnas was based on his or her *gunas* or attributes or talents, the caste system is based on an altogether different characteristics and conditions which are by and large inimical to one's freedom and development. For instance, 1) caste system divides individuals at birth into people of inferior castes and people of superior castes; 2) it does not value individual's talents and aspirations in each caste, but only of certain caste, the so called superior castes; 3) it does not allow social interaction among people across castes, but only within one's own caste; 4) it denies education to a vast majority of the population—all women, the so called Shudras (today's backward castes (BCs) and the so called Ati-Shudras (today's Dalits or the scheduled castes (SCs); 5) it denies all of them (women, BCs and the SCs) liberty, 6) it denies them all independent means of livelihood and forces them to live at the mercy of the 'superior others': all women to depend on men and all the BCs and the SCs to depend on the non-SC castes and communities, 7) it denies them right to choose their life partner outside their caste, and 8) it imposes stringent punishment against those violating any of these conditions. All these conditions and restrictions are indeed against natural law and against human spirit, and are thus in violation of natural human rights. Therefore, in no way and for no reason, caste can be justified. It is precisely for these reasons as early as 6th century Buddha revolted against it and in more direct way during the first half of 20th century, social revolutionaries like Mahatma Jyotirao Phule and the architect of the Indian Constitution Dr. B. R. Ambedkar revolted against the caste system. While Mahatma Gandhi appealed to the upper castes to treat the lower castes with dignity, Ambedkar condemned the entire caste system and advocated its annihilation.

A legal ban against caste discriminations and untouchability practices became a reality only during the colonial rule. As early as 1850, the British India passed a law known as "The Caste Disabilities Removal Act XXI of 1850" to end caste based disabilities faced by the people of lower castes. Later, the British India also recognized them as scheduled castes (SCs) under a special Act known as *Government of India Act 1935* for extending special protection. In 1938, "The Madras Removal of Civil Disabilities Act 1938 (Madras Act XXI of 1938)" came into operation. Between 1943 and 1950, 17 such laws were enacted by different provinces of India. However, none of these laws was of national level one. Enactment of such laws became a possibility only after India's Independence. Under Article 17 of the Indian Constitution, untouchability is abolished and its practice in any form is an offense punishable under law. The law especially enacted for the purpose was known as the "Untouchability (Offenses) Act, 1955" which was subsequently amended in 1976 and renamed as the "Protection of Civil Rights Act, 1955" (PCR Act) to make the provisions of the Act more stringent. And to deal with the atrocities committed against them yet another law

known as "The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989" (POA Act) came into effect from January 30, 1990 and its rules came in to effect from March 31, 1995. Despite implementation of these laws and also exclusive special commissions—national commission for scheduled castes and its state level commission in almost every state—to monitor the working of these special laws and other provisions meant for the protection and development of the SCs, caste discriminations and caste based crimes against the SCs/Dalits, continue to be a day-to-day reality throughout India.

CRIMES AGAINST SCHEDULED CASTES (SCS) THROUGHOUT INDIA

The ideals of Indian Constitution, as noted before, have no place and scope for caste based discrimination and crimes of any kind including practice of untouchability. Yet, a recent all-India study concludes that "untouchability is practiced in one form or another in almost 80% of the villages and it is most extensive in the private and religious spheres, and least present in the public and political sphere." "...In one out of 10 villages, Dalits are still not allowed to wear new clothes, sunglasses or foot-wears or to use umbrellas and ride bicycles" (Shah et al., 2006: 166). Besides untouchability, crime against Dalits also continue and discouragingly the nature of such has become more inhuman over the years. It ranges from humiliating verbal abuses and practices of untouchability to brutal crimes. While untouchability is practiced usually by way of preventing them from fetching water from common sources like pond and community tube-well, drinking tea from common cups/glasses in local tea stalls, walking through the common path ways, using foot-wears to walk, and wearing clean cloths and valuable ornaments and from entering religious places like temples, etc., the brutal crimes include: setting their houses ablaze and looting their household valuables, illegal occupation of their limited source of sustenance, land, poisoning or fouling of their main source of drinking water and destroying their crops, forcing them to consume human excreta and urine, piercing needles into their eyes to blind them, and chopping off their heads or/and limbs, besides rape and murder and parading their women naked. The total number of registered cases of crimes committed against the SCs by the non-SCs and non-STs in India during 2003 to 2009 were as many as 203576 and the total number cases that reached various courts in India for trial, including pending cases, till 2009 were as many as 106522.

A few reported incidents of violence against Dalits may be mentioned here to understand the gravity of issue: 1) on August 31, 2005 over 50 Dalit houses in Gohana, Haryana, furnished with valuable household items, were

burnt down by the caste Hindu Jats, resulting in about 2000 Dalits including women, children and aged fleeing their houses to ensure their safety security; 2) on September 4, 2005 at Belkhed, about 60 kms away from Akola, Maharashtra where about 25 Dalit houses were burnt down; 3) on January 1, 2006, six members of a Dalit family (one woman and her five children) in Rampur-Shyamchand village of Raghapur district in Bihar were burnt alive after burning down their house for their refusal to withdraw a theft case against the three upper -caste men; 4) on the 27th September, 2006 at Khairlanji village, near Nagpur, Maharashtra State, four members of the same family were brutally murdered, and the most horrendous aspect of the incident was that before committing the barbaric act of killing, the women were tortured, paraded naked and gang-raped for asserting their right to protect their land, the only means of their livelihood; 5) on April 21, 2010 both father and daughter of Mirchpur village of Hisar district in Haryana were burnt to death by the Jat mob which also looted 18 Balmiki houses. Even in States like Tamil Nadu which has progressed in many ways there are many villages where the Dalits live under perpetual terror. They have no right to walk through the main street of their own villages. Separate tumbler system is still practiced in many tea stalls. Dalits cannot use foot-wears in and around their village. In some villages, Dalits wearing clean cloths is also not tolerated. Many a time, caste humiliation results in death. The suicide of 50 year old Dalit school teacher Chandan Lal of Rinj village in Mandi, Himachal Pradesh on May 13, 2010 who was humiliated by his school lab attendant Kesaru Ram is a classic example in this regard (Times of India, TNN, May 22, 2010). Indeed, such incidences figure in news more frequently these days than ever before. Crime against Dalits is a reality even in villages of known political leaders. For instance, on May 7, 2010, about 40-odd Dalit families in Madhya Pradesh were denied entry into the temple of the village Jait which is the village of Madhya Pradesh Chief Minister Shivraj Singh Chauhan (CNN-IBN, update of May 7, 2010).

REGISTERED CASES OF CRIMES AGAINST SCHEDULED CASTES (SCS) IN INDIA

These incidences obviously raise a question: What is the use of special laws such as the Protection of Civil Rights (PCR) Act and the Prevention of Atrocities (POA) Act? Why the scheduled castes (SC) victims do not take the support of special laws to punish the accused? Based on his number of years of experience Mr. Shyam Sundar, IPS, the then IGP for PCR/HR/CID, Chennai, in an exclusive interview on November 16, 2001 by the author said:

“...about 40% victims (SC victims) go to police stations to register complaints only when they have the support of their fellow caste people, though about 30% of them do it

even without such support. About 10% of them go to police station only when they have the support of Non Governmental Organizations (NGOs), and about 20% do so on instigation by the caste Hindu enemies of the accused”. “...on an average in about 30% cases, the victims (SCs) are threatened in overt and covert forms by the police, and thereby discouraged from filing cases under these special laws” (Ramaiah, 2007: 132-133).

The statement of a state level senior police officer clearly indicates that the support of fellow-caste members is crucial for any SC victims to muster enough courage to approach the police for registering a complaint against the caste Hindu who committed a crime against him/her. In view of the fact that in most of the Indian villages the SCs are in few families, the fact that they also depend on the caste Hindus for their livelihood and security and the fact that most of police officials in most of the police stations from local to state and also at a national level belong to the caste Hindus, most the victims would not get the support of the fellow caste members and thus would not dare registering a complaint against the caste Hindu accused. And also in view of the fact, as noted in the second part of the quotation, that the police also indulge in threatening the SC victims in overt and covert forms, the SC victims would not dare lodging a complaint against the caste Hindus. So it is undisputed fact that most of the crimes against SCs by the non-SCs/STs go unreported for obvious reasons of caste prejudice in society at large and among the police in particular.

The data provided by the national crime records bureau (NCRB) are only the registered cases of crimes against the SCs. The NCRB gives data under 10 different crime heads, viz., 1) murder, 2) rape, 3) kidnapping and abduction, 4) dacoity, 5) robbery, 6) arson, 7) hurt, 8) PCR Act cases (cases registered under the Protection of Civil Rights Act, 1955), 9) POA Act cases (cases registered under the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, 1989), and 10) others. Yet, even these limited registered cases provide enough light to understand the gravity of the problem. According to the NCRB data² (Table 1), the total number of registered incidence of crimes committed against the SCs (henceforth called “special cases”), is on the increase. The number of crimes committed against the SCs was as many as 14,318 in the year 1981. It increased to 17646 in 1991 and further increased to 33501 in 2001. Although a closer look at the recent data shows a declining trend with the number of crimes declining to 26,252 in the year 2003, it once again rose to 26,887 in 2004. With a marginal decline in 2005 (26127) the reported cases further rose to 27070 in 2006, 30031 in 2007 and 33615 in 2008; a marginal decline was noticed in 2009 (33594). On the whole the data indicate that there is an increasing trend in the number of crimes

²Data compiled out of data provided in the *Crime in India- Reports of 1981 to 2009*, National Crimes Records Bureau, Government of India.

Table 1. Year-wise Incidence of crimes against scheduled castes in India during 1981 to 2009.

Crime	1981	1986	1991	1996	2001	2002	2003	2004	2005	2006	2007	2008	2009
Murder	493	564	610	543	763	739	581	654	669	673	674	626	624
Rape	604	727	784	949	1316	1331	1089	1157	1172	1217	1349	1457	1346
Kidnap and abduction	NA	NA	NA	NA	400	319	232	253	258	280	332	482	512
Decoity	NA	NA	NA	NA	41	29	24	26	26	30	23	51	44
Robbery	NA	NA	NA	NA	133	105	70	72	80	90	86	85	70
Arson	1295	1002	602	464	354	322	204	211	210	226	238	225	195
Hurt	1492	1408	1706	4585	4547	4491	3969	3824	3847	3760	3814	4216	4410
PCR Act	NA	NA	NA	NA	633	1018	634	364	291	405	206	248	168
PoA act	NA	NA	NA	NA	13113	10770	8048	8891	8497	8581	9819	11602	11143
Others	10434	11715	13944	24899	12201	14383	11401	11435	11077	11808	13490	14623	15082
Total	14318	15416	17646	31440	33501	33507	26252	26887	26127	27070	30031	33615	33594

NA = Not available; PCR Act = Protection of Civil Rights Act; PoA Act = SC/ST(Prevention of Atrocities) Act. *Source:* Crime in India-Reports of 1981 to 2009, National Crimes Records Bureau, Government of India.

committed against the SCs in India. The total number of incidence of crimes (all types of crimes) committed against the SCs steadily increased from 14318 in 1981 to as high as 33594 in 2009. This means that the number of crimes committed against the SCs everyday in 1981 was about 39 only. Instead of declining, such incidence alarmingly increased over the years to as many as 93 everyday in 2009.

Rape and murder cases throughout India

The plight of SCs seems much more alarming when one looks at the data pertaining to serious crimes such as 'rape and murder'. As seen in Table 1, the total number of reported cases of murder of SCs by the non-SCs in India was 493 in 1981. It increased to 564 in 1986, 610 in 1991 and with the marginal decline of 543 in 1996, it increased further to 763 in 2001. Though the number of murders showed a declining trend in the year 2002 with 739 murders and 2003 with 581 murders, it recorded an increase in the following years. The number of SCs reported to have been murdered by the non-SC increased to 654 in 2004, 669 in 2005 and further increased to 673 in 2006 and 674 in 2007, but declined marginally to 626 in 2008 and 624 in 2009. A similar increasing trend is evident even with regard to rape cases, except for the sudden decline in 2003. For instance, the number of reported cases of SC women being raped by the non-SC men increased from 604 in 1981 to 727 in 1986, 784 in 1991, 949 in 1996 and 1316 in 2001. The number came down to 1089 in 2003, but once again increased, though gradually, to 1157 in 2004, 1172 in 2005, 1217 in 2006, 1349 in 2007, 1457 in 2008 and 1346 in 2009. From the 2009 data, it may be understood that in India on an average every day 2 Dalits are murdered and 4 Dalit women are raped by the non-Dalits. The data for the 1981 to 2009 period for India as a

whole indicate that not only the overall number of incidence of caste discrimination and violence but also the brutal crimes such as 'rape and murder' are on the increase.

State-wise crimes against SCs

The NCRB's state-wise data on crimes against the SCs for the period of 2003 to 2009 (Table 2)³ indicate that crimes against SCs have been reported from almost every state and union territories where there is considerable SC population. It may however be noted that states such as Jammu and Kashmir and Arunachal Pradesh and the north-eastern states like Manipur, Meghalaya and Mizoram, and Union Territories (UTs) such as Andaman and Nicobar Islands, Dadar and Nagar Haveli, Daman and Diu and Lakshadweep, where there is hardly any SC population and most of the inhabitants there are scheduled tribes, have been kept out of this analysis since the inclusion such states/UTs in this comparative analysis would be misleading. The state of West Bengal, where the SC population is 17.4%, is also kept out of the analysis since there is hardly any reporting of crimes against the SCs here. One can think of two possible reasons for this scenario. One, the Hindus of West Bengal have forgotten or given up their caste completely and become truly class conscious as often claimed by the left oriented academics. Two given the ideological compulsion of the Communist Party of India in general and the Communist Party of India (Marxist) in particular to hide the existence of caste and its ill-effects in the Indian society at large and to become

³Data compiled out of data provided in: <http://www.indiastat.com/crimeandlaw/6/17913/incidenceofcrimesagainstscheduledcastes/453240/stats.aspx> (accessed on 20.03.2009).

Table 2. State wise Incidence (I) and % (P) contribution of crimes committed against scheduled caste in India.

States/UTs	2003		2004		2005		2006		2007		2008		2009	
	I	P	I	P	I	P	I	P	I	P	I	P	I	P
Andh.Pradsh	3559	13.6	3255	12.1	3117	11.9	3891	14.4	3383	11.3	3998	11.9	4504	13.4
Bihar	1747	6.7	2646	9.8	1824	7.0	2043	7.5	2786	9.3	3617	10.8	3836	11.4
Chhattisgarh	709	2.7	698	2.6	454	1.7	444	1.6	511	1.7	600	1.8	466	1.4
Gujarat	1165	4.4	1309	4.9	1307	5.0	995	3.7	1040	3.5	1231	3.7	1182	3.5
Haryana	195	0.7	217	0.8	288	1.1	283	1.0	227	0.8	341	1.0	303	0.9
Hima.Pradsh	107	0.4	89	0.3	55	0.2	92	0.3	91	0.3	71	0.2	88	0.3
Jharkhand	76	0.3	126	0.5	277	1.1	333	1.2	538	1.8	598	1.8	631	1.9
Karnataka	1844	7.0	1643	6.1	1780	6.8	1730	6.4	1844	6.1	2361	7.0	2174	6.5
Kerala	439	1.7	438	1.6	345	1.3	364	1.3	477	1.6	519	1.5	467	1.4
Madh.Prades	5507	21.0	4699	17.5	4356	16.7	4214	15.6	4106	13.7	2965	8.8	3040	9.0
Maharashtra	697	2.7	715	2.7	865	3.3	1053	3.9	1166	3.9	1192	3.5	1096	3.3
Orissa	1157	4.4	1398	5.2	1439	5.5	1153	4.3	1355	4.5	1836	5.5	1709	5.1
Punjab	127	0.5	134	0.5	140	0.5	184	0.7	177	0.6	101	0.3	108	0.3
Rajasthan	4329	16.5	4360	16.2	3795	14.5	3910	14.4	4174	13.9	4302	12.8	4985	14.8
Tamil Nadu	1495	5.7	1156	4.3	1206	4.6	991	3.7	1743	5.8	1618	4.8	1312	3.9
Uttar Prades	2821	10.7	3785	14.1	4397	16.8	4960	18.3	6144	20.5	8009	23.8	7522	22.4
Uttarakhand	129	0.5	137	0.5	99	0.4	68	0.3	71	0.2	42	0.1	58	0.2
Chandigarh	1	0	0	0	0	0	2	0	0	0	2	0	0	0
Delhi	3	0	4	0	21	0.1	21	0.1	24	0.1	34	0.1	33	0.1
Pondicherry	22	0.1	23	0.1	14	0.1	14	0.1	25	0.1	29	0.1	29	0.1
India	26252	100	26887	100	26127	100	27070	100	30031	100	33615	100	33594	100

source: Crime in India-Reports of 1981 to 2009, National Crimes Records Bureau, Government of India, <http://www.indiastat.com/crimeandlaw/6/crimeagainstscst/17913/incidenceofcrimesagainstscheduledcastes/453240/stats.aspx>, States/UTs where there is hardly any SC population have not been included here and hence forth.

ultimately caste-blind on the one hand and to be class-conscious forever and mobilize people only on “class” line on the other, it is possible that the government, as an unwritten policy, must have registered most of the caste-based crimes under the provisions of IPCs instead of registering them all under the provision of the special laws.

Looking at the state specific data, it is clear that the magnitude and trend of reported crimes against the SCs has, in most cases, changed over time across states. While some states have shown a declining trend, others an increasing trend and a few remained more or less the same. For instance, in 2003 Madhya Pradesh had the highest percentage (21%) of cases registered under the special laws, but the state witnessed a gradual declining trend subsequently: 17.5 in 2004, 16.7 in 2005, 15.6 in 2006, 13.7 in 2007, and to about 9 both in 2008 and 2009. Madhya Pradesh is closely followed by Rajasthan with a similar declining trend (16.5% in 2003 decreased to 12.8% in 2008), although 2009 witnessed a marginal increase (14.8%). The other states that witnessed a similar decreasing trend include Karnataka, Bihar and Tamil Nadu. Though Uttar Pradesh ranked fourth in 2003 accounting only for 10.7% of the total incidence of crimes against the SCs in India, it rose to first position in 2005 accounting for as high as 16.8% of the total crimes. Since

then, Uttar Pradesh continued to rank first with the increasing percentage of crimes against the SCs: 18.3 in 2006, 20.5 in 2007, 23.8 in 2008 and a marginal decline (22.4%) in 2009. The other states that witnessed a noticeable increase over the years in the percentage of crimes against the SCs include Bihar (6.7% in 2003 increased to 11.4% in 2009) and Orissa (4.4% in 2003 increased to 5.1% in 2009).

State-wise incidence of rape

The state-wise data (Table 3) reveal that the total number of registered rape crimes against the SC women throughout India increased during 2004 to 2008 period, although the 2009 witnessed a marginal decline. The total number of registered rape incidence in India increased from 1157 in 2004 to 1172 in 2005, 1217 in 2006, 1349 in 2007, 1457 in 2008, but declined to 1346 in 2009. While looking at the state-specific data it is clear that of all the states, Madhya Pradesh has had the highest share in the total number of registered rape cases in India for the entire 2003-2009 period, followed by Uttar Pradesh and Rajasthan. While the percentage share of rape cases that Madhya Pradesh accounted for was as high as 29 in 2004 and 2005, 27.5 in 2006, 25.4

Table 3. State wise Incidence (I) and % (P) Contribution of Rape across states in India

States/UTs	2004		2005		2006		2007		2008		2009	
	I	P	I	P	I	P	I	P	I	P	I	P
Andhra Pradesh	66	5.7	74	6.3	97	8	105	7.8	88	6	99	7.4
Bihar	14	1.2	16	1.4	19	1.6	32	2.4	23	1.6	19	1.4
Chhattisgarh	77	6.7	59	5	49	4	57	4.2	59	4	51	3.8
Gujarat	19	1.6	20	1.7	19	1.6	30	2.2	30	2.1	28	2.1
Haryana	33	2.9	35	3	31	2.5	21	1.6	60	4.1	32	2.4
Himachal Pradesh	6	0.5	9	0.8	11	0.9	6	0.4	5	0.3	7	0.5
Jharkhand	9	0.8	8	0.7	15	1.2	12	0.9	21	1.4	8	0.6
Karnataka	14	1.2	30	2.6	27	2.2	20	1.5	29	2	39	2.9
Kerala	49	4.2	44	3.8	62	5.1	69	5.1	67	4.6	62	4.6
Madhya Pradesh	335	29	340	29	335	28	343	25.4	357	24.5	321	23.8
Maharashtra	63	5.4	83	7.1	87	7.1	80	5.9	93	6.4	105	7.8
Orissa	45	3.9	33	2.8	52	4.3	57	4.2	48	3.3	63	4.7
Punjab	9	0.8	9	0.8	11	0.9	1	0.1	5	0.3	11	0.8
Rajasthan	126	10.9	136	11.6	132	11	153	11.3	153	10.5	163	12.1
Tamil Nadu	23	2	19	1.6	21	1.7	27	2	17	1.2	11	0.8
Uttar Pradesh	258	22.3	224	19.1	229	19	318	23.6	375	25.7	317	23.6
Uttarakhand	6	0.5	12	1	6	0.5	4	0.3	6	0.4	9	0.7
West Bengal	2	0.2	1	0.1	2	0.2	1	0.1	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0
Delhi	0	0	0	0	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0	0	0	0	0	0
India	1157	100	1172	100	1217	100	1349	100	1457	100	1346	100

Source: Crime in India-Reports of 2004 – 2009, National Crimes Records Bureau, Government of India, www.indiastat.com/crimeandlaw/6/crimeagainstscst/17913/incidenceofcrimesagainstscheduledcastes/453240/stats.aspx

in 2007, 24.5 in 2008 and 23.8 in 2009, the percentage share that Uttar Pradesh accounted for the same period was 22.3, 19.1, 18.8, 23.6 and 25.7 respectively, and that Rajasthan accounted for the same period was 10.9, 11.6, 10.8, 11.3, 10.5 and 12.1 respectively. A point of serious concern is that even in Kerala, the state with highest literacy rate and the state that has the sizable percentage of people who follow egalitarian religion like the Christianity and egalitarian ideology like Marxism, there is evidence of noticeable percentage of incidence of rape against SC women. The percentage of rape crimes against the SC women in Kerala was 4.2 in 2004, 3.8 in 2005, 5.1 in 2006 and 2007 and 4.6 in 2008 and 2009.

State-wise incidence of murder

More or less, a similar declining trend is seen also with regard to incidence of murder crimes against the SCs in most of the Indian states (Table 4). However, a shift is seen among states that stood first and second with regard to their percentage contribution to total incidence of murder cases in India. While for the rape crime, as noted before, Madhya Pradesh ranked first, followed by

Uttar Pradesh and Rajasthan, for the murder crime Uttar Pradesh stands first, followed by Madhya Pradesh and Rajasthan. While the percentage contribution of Uttar Pradesh to total incidence of murder in India was as high as 50 in 2004, 48.3 in 2005, 47.3 in 2006, 46 in 2007, 38.2 in 2008 and 37.7 in 2009, the percentage contribution of Madhya Pradesh was 14.2, 14.3, 11.3, 12.8, 13.9 and 16.2 respectively and of Rajasthan was 6.9, 8.4, 8.9, 7.9, 8.5 and 10.4 for the same period respectively. What may also be noted is that although, of all the states, Uttar Pradesh stood first throughout the period with high incidence of murder cases, it witnessed a declining trend over the years; the decline was from 49.1% in 2004 to 37.7 in 2009. Although Madhya Pradesh and Rajasthan accounted for relatively less percentage of murder crime, they witnessed a gradual increasing trend which is a matter of concern.

WHAT THESE DATA INDICATE?

This analysis indicates that crime against SCs is a reality in most of the Indian states. It is a reality even in the Dalit-ruled states such as Uttar Pradesh and the

backward caste-ruled states like Bihar and Tamil Nadu. Crimes against Dalits are a reality also in states like Maharashtra and Tamil Nadu that are historically known for militant Dalit assertion and anti-Brahmin movements. The situation seems no different in the left-ruled States like West Bengal and Kerala, although the magnitude of such crimes is found to be relatively lesser here. The analysis also helps us conclude that states such as Uttar Pradesh, Madhya Pradesh, Rajasthan, Andhra Pradesh and Bihar continued to witness a high incidence of crimes of one kind or the other against the SCs. Although in relative terms some of these states have been able to bring down over the years the number of crimes, in absolute term the number is still significantly high, particularly in Uttar Pradesh. A point of serious concern is that there has been an increase in both rape and murder crimes particularly in states with sizeable SC population. While states such as Andhra Pradesh, Gujarat, Haryana, Kerala and Orissa witnessed a high incidence of rape crimes, states such as Rajasthan, Madhya Pradesh and Maharashtra witnessed a high incidence of murder crimes. With regard to incidence of rape cases Madhya Pradesh could bring down the number, while Uttar Pradesh could prevent rape cases from further escalation. Rajasthan however witnessed discouragingly an increasing trend in the number of incidence of murder. Although Uttar Pradesh accounts for a major share in the incidence of murders, it has been able to bring down such incidence to a noticeable extent over the years, while other states have only witnessed an increasing trend.

What do we conclude out of this analysis? Does it mean that in states that witnessed high incidence of crimes against the SCs, the non-SC/ST people had been more aggressive and intolerant towards the SCs or does it mean that it is only in these states the police had been more prompt and active in registering cases of violence against the SCs and thus more incidence of crime is seen in the crime record? Or, is it due to both?

Disposal of cases by police

In this context, it becomes necessary to examine how different states have performed with respect to the promptness of police in registering the complaints of SCs and also disposing of cases by way of investigating and charge-sheeting the cases concerned. As quoted earlier, it is a fact that the police do indulge in discouraging the SC victims from registering complaint against the caste Hindus who committed crimes against the SCs. The NCRB provide data on registered untouchability, atrocity and other cases disposed (cases for which investigation completed) by the police throughout India during 2001 to 2009 (Table 5)⁴. The data reveal that most of the cases

(about 74 to 87%) taken for investigation were disposed, and of the cases so disposed, about 89 to 95% cases have been charge-sheeted for trial in the court of law. This is the picture not only at all India level, but also across states during 2001 to 2009. It may therefore be concluded that the disposal of cases of crimes against the SCs by the police has been satisfactory. But the fact remains that most of the incidences of caste discriminations go unreported.

Disposal of cases by courts - Pending and disposed cases

Once the case is charge-sheeted, it is to be sent to court for disposal which happens through a due trial process. When a case is tried in the court of law, it may result either in conviction, in which case the accused is to be punished or in acquittal, in which case the accused would be let free. The Courts in general dispose not only IPC cases but also special cases, although the special cases are to be tried in special courts to be established exclusively for the purpose. The *special cases* here refer only to the cases of crimes committed against the SCs by the non-SCs/STs and are registered under the PCR and POA Acts. Most of the crimes committed by the non-SCs/STs against the non-SCs/STs and those committed by the SCs/STs against the SCs/STs are usually registered under the various sections of IPC. Therefore, a comparison between special cases and IPC cases may be attempted with respect to: i) percentage of cases pending trial in courts; and ii) percentage of cases ended in conviction out of the cases tried in the court of law. The NCRB provides enough data for both these indicators. This would help us understand the performance of Central and the State governments with respect to subjecting each charge-sheeted case under a due trial process and disposing the case ultimately. The state where there is a less percentage of cases pending trial and a high percentage of cases ending in conviction may therefore be understood as "better performing state".

State-wise Indian penal codes (IPC) and special cases pending trial in courts

Table 5 provides data on (i) percentage of cases pending trial, and ii) percentage of conviction rate pertaining to the IPC cases and special cases for India as a whole for the year 2001, 2005 and 2009.

With regard to pending cases in India, the data indicate that although there is no glaring difference between the two types of cases in 2001, the difference became more evident in the subsequent periods. A marginal increase in the IPC cases and a marginal decrease in the special

⁴Data compiled out of data provided in: <http://www.indiacrimestat.com/crimeandlaw/6/crimeagainstscst/>

17913/disposalofcasesforcommittedcrimesagainstscheduledcastesbycourts police/453217/stats.aspx. (accessed on 20.09.2011).

Table 4. State wise Incidence (I) and % (P) of Murder across states in India

States/UTs	2004		2005		2006		2007		2008		2009	
	I	P	I	P	I	P	I	P	I	P	I	P
Andhra Pradesh	39	6	37	5.5	52	7.7	46	6.8	48	7.7	35	5.6
Bihar	14	2.1	12	1.8	16	2.4	26	3.9	46	7.3	22	3.5
Chhattisgarh	25	3.8	6	0.9	10	1.5	11	1.6	11	1.8	6	1
Gujarat	11	1.7	10	1.5	20	3	17	2.5	13	2.1	20	3.2
Haryana	14	2.1	10	1.5	7	1	10	1.5	6	1	7	1.1
Himachal Pradesh	2	0.3	0	0	0	0	0	0	0	0	1	0.2
Jharkhand	2	0.3	13	1.9	5	0.7	13	1.9	7	1.1	5	0.8
Karnataka	21	3.2	18	2.7	28	4.2	15	2.2	27	4.3	38	6.1
Kerala	2	0.3	4	0.6	3	0.4	3	0.4	3	0.5	3	0.5
Madhya Pradesh	93	14	96	14	76	11	86	12.8	87	14	101	16.2
Maharashtra	10	1.5	15	2.2	21	3.1	16	2.4	23	3.7	27	4.3
Orissa	21	3.2	9	1.3	12	1.8	13	1.9	17	2.7	25	4
Punjab	0	0	3	0.4	3	0.4	2	0.3	0	0	3	0.5
Rajasthan	45	6.9	56	8.4	60	8.9	53	7.9	53	8.5	65	10.4
Tamil Nadu	25	3.8	30	4.5	26	3.9	39	5.8	31	5	27	4.3
Uttar Pradesh	321	49	323	48	318	47	310	46	239	38	235	38
Uttarakhand	6	0.9	5	0.7	7	1	1	0.1	4	0.6	2	0.3
West Bengal	0	0	0	0	1	0.1	1	0.1	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0
Delhi	0	0	0	0	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	1	0.1	0	0	0	0
India	654	100	669	100	673	100	674	100	626	100	624	100

source: Crime in India-Reports of 2004 -2009, National Crimes Records Bureau, Government of India, <http://www.indiastat.com/crimeandlaw/6/crimeagainstscst/17913/incidenceofcrimesagainstscheduledcastes/453240/stats.aspx>.

cases in India is evident from the table. For instance, in the year 2001 the percentage of IPC cases pending trial was 82.3, and in case of special cases, it was 82.6; compared to the IPC cases, the percentage of cases pending trial in special cases was higher only by 0.3%. However, in the subsequent period a marginal increase in the pending IPC cases became evident: 83.3 in 2005 and 85.6 in 2009, and in the case of special cases, encouragingly a marginal decline is seen: 80.2 in 2005 and 80.4 in 2009.

Although such an encouragingly declining trend is seen in the number of special cases pending trial even at state level,⁵ attention may be drawn to the fact that some states seem to have shown a very callous attitude towards the

disposal of special cases. For instance, Arunachal Pradesh which could dispose as many as 633 IPC cases in 2001 and 569 IPC cases in 2009⁶, did not dispose even one out of just 2 cases it had for disposal;⁷ the two cases remained pending even in 2009. Tamil Nadu, which could disposed as many as 112171 IPC cases in 2001 and 109547 IPC cases in 2009, disposed only 1317 special cases in 2001 and 817 in 2009. West Bengal is no different. It disposed as many as 20373 IPC cases in 2001 and 23758 in 2009, but only 2 out merely 6 and 2 out of 26 special cases it had for the respective periods. Delhi disposed as many as 32422 IPC cases in 2001 and

⁵ Ministry of Home Affairs, Govt. of India. (ON146), data accessed on 20.09.2011.

⁶<http://www.indiastat.com/crimeandlaw/6/crimeagainstscst/17913/disposalofcasesforcommittedcrimesagainstscheduledcastesbycourtspolice/453217/stats.aspx>

⁷<http://www.indiastat.com/crimeandlaw/6/ipccrimes/17908/disposalofipccrimescasesbycourtspolice/453374/stats.aspx>

Table 5.Percentage of pendency and conviction rate in cases under IPC and cases of crimes against SCs in India in 2001, 2005 and 2009.

Year	Pendency and conviction rate	IPC cases (%)	Special cases (%)
2001	Pendency	82.3	82.6
	Conviction rate	40.8	34.1
2005	Pendency	83.3	80.2
	Conviction rate	42.4	29.8
2009	Pendency	85.6	80.4
	Conviction rate	41.7	29.6

Source: Data accessed from National Crime Records Bureau, Government of India website: www.indiastat.com/crimeandlaw/6/crimeagainstscst/17913/incidenceofcrimesagainstscheduledcastes/453240/stats.aspx (accessed on 11.10. 2010).

20353 in 2009, but merely 10 and 3 special cases for the same period. Same is the case with Puducherry: 2964 IPC cases in 2001 and 2368 in 2009, but merely 11 special cases in 2001 and 13 in 2009. Chandigarh responded the same way with its disposed IPC cases being 1405 and 1420, and its disposed special cases being 0 for both 2001 and 2009 period. However, the increase in pending cases among special cases in states like Rajasthan (the increase from 77.1% in 2001 to 85.1% in 2009), Puducherry (from 65.7% in 2001 to 75.5% in 2009) and West Bengal (from 90% in 2001 to 92.3% in 2009) is a matter of serious concern.

Conviction rate in Indian Penal Codes (IPC) and special cases in India

For a better comprehension of the working or efficacy of the special laws (laws such as the PCR Act and POA Act under which cases of crimes against the SCs are registered), the conviction rate in special laws may be compared with that of the IPC cases (cases registered under the Indian Penal Codes. The IPC is an Act, in other words, a law under which complainants of those belonging to non-SCs/STs against the non-SCs/STs and of the SCs/STs against the SCs/STs get registered (IPC cases). Our focus here has been on the complaints of SCs/STs against the non-SCs/STs. In an analysis of this kind, what is more important is not how many cases the courts dispose in a year, but how many of the disposed cases end in conviction?

In the 1980s, the conviction rate in India in the registered cases of crimes against the SCs was less than 5%. During 1993 to 1999, the conviction rate, particularly in those cases registered under the POA Act, ranged from a minimum of 5.41% to a maximum of 15.78%, and the average conviction rate for the country as a whole was 10.05% (Ramaiah, 2007: 45). However, the conviction rate in cases of all forms of crimes against the SCs during 2001 to 2009 period ranged from a minimum of 27.1% to a maximum of 34.1%. Although the 2001 witnessed the maximum conviction rate of 34.1%, it did

not increase further. Rather, it showed a declining trend subsequently with a marginal upward trend in between.

Data in Table 5 vividly portrays the glaring difference between the percentage of conviction rate in IPC cases and special cases in India. The conviction rate in IPC cases in India is found to be much higher compared to that of the “special cases” throughout the period of 2001, 2005 and 2009. It may also be noted that the conviction rate in IPC cases increased in subsequent periods, whereas in special cases it decreased, although the noted increase and the decrease is marginal. For instance, in 2001 the conviction rate in IPC cases was as high as 40.8%, whereas in special cases only 34.1%. The percentage of pending IPC cases rose to about 42 in 2005 and remained almost the same in 2009 as well. But in the case of special cases, the percentage decreased from about 34 in 2001 to about 30 in 2005 and remained almost the same in 2009 as well.

Uttar Pradesh takes the lead in conviction rate

“Uttar Pradesh, which has the distinction of giving the country its first Dalit woman chief minister, also tops the list of states with highest number of cases of crime against Scheduled Castes”, reported the *Times of India*, Delhi on 4.5.2008. “Despite being run by a Dalit Chief Minister, Uttar Pradesh is among those states where the percentage of atrocities on Dalits is ‘much higher’ as compared to other places in India” said P. L. Punia, the Chairman, *National Commission for Scheduled Castes* on January 11, 2011 at Varanasi town in the state of Uttar Pradesh⁸. These are some of the frequently voiced views of the popular Indian media (both print and electronic) in general and the State-sponsored custodians of the Scheduled Castes (SCs) from parties other than the *Bahujan Samaj Party*. What do these views reveal and what do they hide?

The state level data on conviction rate in IPC cases and special cases pertaining to 2001, 2005 and 2009

⁸<http://www.facenfacts.com/NewsDetails/3391/up-has-high-rate-of-violence-against-dalits.htm> (accessed on October 29, 2011)

Table 6. State-wise Percentage of pending cases in IPC cases and cases of crimes against SCs during 2001, 2005 and 2009.

States/UTs	Pending IPC cases			Pending cases of crimes against SCs		
	2001	2005	2009	2001	2005	2009
Andhra Pradesh	65.9	68.2	73.2	71.5	67.8	68.9
Bihar	87.9	89.0	90.8	80.0	91.1	77.7
Chhattisgarh	87.9	84.7	86.2	86.1	62.1	80.7
Gujarat	92.1	92.1	93.0	90.2	87.2	91.8
Haryana	80.9	79.9	80.4	87.1	80.1	67.5
Himachal Pradesh	77.3	81.4	87.6	82.2	81.4	65.8
Jharkhand	81.5	81.5	65.1	88.3	74.7	64.5
Karnataka	68.4	69.6	73.8	90.2	80.2	76.9
Kerala	77.6	75.7	80.2	87.0	77.6	77.1
Madhya Pradesh	79.5	77.6	78.7	78.6	74.6	78.4
Maharashtra	91.3	93.4	94.0	88.3	91.5	88.0
Orissa	85.0	90.1	92.4	87.9	80.4	89.1
Punjab	77.7	84.3	83.0	86.0	81.7	77.3
Rajasthan	78.7	82.1	85.2	77.1	77.9	85.1
Tamil Nadu	61.3	56.5	69.3	68.7	63.4	75.7
Uttar Pradesh	80.8	81.6	79.7	83.9	82.8	78.4
Uttarakhand	74.5	83.0	83.3	78.3	86.1	77.2
Chandigarh	74.5	87.2	79.2	100	100.0	100.0
Delhi	81.4	85.6	90.7	98.7	86.7	97.1
Puducherry	37.2	65.3	75.9	65.7	68.6	75.5
India	82.3	83.3	85.6	82.6	80.2	80.4

Source: Data accessed from National Crime Records Bureau, Government of India website:
www.indiastat.com/crimeandlaw/6/crimeagainstscst/17913/incidenceofcrimesagainstscheduledcastes/453240/stats.aspx
 (accessed on 11.10. 2010).

reflect an interesting picture (Table 6). But before dwelling into such analysis, attention may be drawn to the fact that the states/UTs with hardly any SC population have been kept away from this analysis for the purpose of objectivity. There are also states/UTs which show a high percentage of conviction rate in special cases just because the total number of cases the courts in these states disposed in a given year were just two or three, and of which when even one or two cases ended in conviction, the percentage of conviction rate stands out to be as high as 50% or even more. Such states include Jammu and Kashmir, Tripura, and West Bengal⁹. It is for these reasons all such states/UTs have been kept out of the purview of this analysis.

From the data of Table 6, the following general observation could be highlighted as this would be useful to proceed further. The data reveal that the number of states/UTs that showed a declining trend in the conviction rate for special cases are more. As far as the conviction rate in IPC cases are concerned, the number of those, out of the 20 states/UTs considered in the analysis that showed a declining trend were only 6, while those with increasing trend were 11 and the 3 others showed no noticeable change. But as regard to the special cases, the number of states/UTs that showed a declining trend were as many as 10 and the remaining 10 showed an increasing trend. The fact that the number rate in special cases are more compared to the IPC

⁹For instance, Jammu and Kashmir is seen to be a state with 50 percent conviction rate in special cases in 2009 (Table 7). A closer look at this 50 percent reveals that the 50 percent here stands for only one case that ended in conviction out of the only two cases that the courts in this state disposed in 2009. Similarly, the 100 percent conviction rate in special cases that Tripura is seen with in 2001 simply means only 2 cases that were tried in the court that ended in conviction, and the 40 percent conviction rate in 2009 simply means just 4 cases that ended in conviction out of the 10 special cases disposed. West Bengal also falls in this category. Although

the percentage of conviction rate in special cases in West Bengal is seen to be as high as 50 percent in 2005, this 50 percent actually means only one case that ended in conviction out of merely 2 cases disposed by the court. With regard to IPC cases, West Bengal had 12.6 percent conviction rate, which actually means as many as 3003 PIC cases that ended in conviction in 2005. In other words, it may be concluded that in West Bengal the number of IPC cases that ended in conviction were as many as 3001, while the number of special cases that ended on conviction was just only one in 2005.

Table 7. State-wise percentage of conviction in IPC cases and cases of crimes against SCs.

States/UTs	SC population to total state population (%)	Conviction in IPC cases (%)			Conviction in special cases (%)		
		2001	2005	2009	2001	2005	2009
Andhra Pradesh	16.2	37.8	37.7	33.3	25.6	15.3	12.8
Bihar	15.7	23.1	15.2	18.0	33.0	30.6	11.6
Chhattisgarh	11.6	55.3	54.7	48.4	47.0	31.7	28.7
Gujarat	7.1	24.7	30.9	41.1	3.7	3.9	6.3
Haryana	19.3	31.9	38.5	36.3	5.4	17.1	18.2
Himachal Pradesh	24.7	21.8	22.1	24.5	21.7	10	19.4
Jharkhand	11.8	27.1	24.7	31.0	23.6	19.4	25.5
Karnataka	16.2	29.8	30.0	35.7	6.2	4.0	2.0
Kerala	9.8	50.0	51.2	57.1	4.8	13.9	9.9
Madhya Pradesh	15.2	47.1	50.5	47.4	35	32.1	38.8
Maharashtra	10.2	13.1	11.7	9.6	1.8	5.9	6.5
Orissa	16.5	14.2	14.9	13.2	13.4	11.1	7.2
Punjab	28.9	39.6	34.7	35.0	18.8	11.9	10.3
Rajasthan	17.2	53.5	58.0	60.7	30.2	41.1	43.3
Tamil Nadu	19.0	62.8	62.2	62.1	38.9	25.2	12.5
Uttar Pradesh	21.1	54.9	58.6	54.0	49.2	49.4	52.6
Uttarakhand	17.9	52.9	59.6	69.3	38.3	46.9	46.4
Chandigarh	17.5	45.7	64.0	48.2	0.0	0.0	0.0
Delhi	16.9	50.4	62.1	58.1	0.0	20.0	0.0
Puducherry	16.2	85.8	87.8	90.2	8.3	9.1	0.0
India	16.2	40.8	42.4	41.7	34.1	29.8	29.6

Source: Data accessed from National Crime Records Bureau, Government of India website: www.indiastat.com/crimeandlaw/6/crimeagainstscst/17913/incidenceofcrimesagainstscheduledcastes/453240/stats.aspx (accessed on 11.10. 2010).

cases and the fact that nearly 50% (10) States/UTs in India show a declining trend in the conviction rate in special cases are matters of serious concern.

With a view to identifying those states that have been successful in ensuring high conviction rate in special cases, the state level data on conviction may be looked at in terms of: a) states with high conviction rate in special cases, but not so in IPC cases; b) states with high conviction rate in IPC cases, but not so in special cases; c) states with low conviction rate both in IPC cases, as well as in special cases, and d) states with high conviction rate both in IPC cases and special cases.

a) The state-wise data on conviction rate in both IPC cases and special cases pertaining to 2001, 2005 and 2009 (Table 7) reveal that there is hardly any state/UT where the conviction rate in special cases is found to be higher than that of the IPC cases. Though Bihar was found to be such a state in 2001 with 33% and in 2005 with 30.6 conviction rate in special cases, while the conviction rate in IPC cases was just 23.1 and 15.2% for the respective years, the state followed the national trend of high conviction rate in IPC cases with 18% and low conviction rate in special cases with just 11.6%.

b) "More conviction rate in IPC cases and less conviction

rate in special cases" is seen to be the reality in most of the states/UTs throughout 2001 to 2009 period. While 11 states—Haryana, Himachal Pradesh, Jharkhand, Kerala, Rajasthan, Uttarakhand, Gujarat, Karnataka, Chandigarh, Delhi, and Puducherry—are seen with the increasing conviction rate in IPC cases, 9 states—Haryana, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and Uttarakhand—with increasing conviction rate in special cases. In view of the fact that the number of states with increasing conviction rate in special cases is less than that of the IPC cases is only by two, one may tend to conclude that every Indian State and Union territory gives equal importance to punishing those booked under provisions of IPCs and also those booked under the special laws such as the PCR Act and the POA Act. But if we look at the percentage of conviction rate in IPC cases and special cases, it is revealed that the conviction rate in the former is comparatively much higher than that of the latter, and this is true of most of the states/UTs.

For instance, as far as the IPC cases are concerned Puducherry deserves all appreciation for the fact that it is in this state/UT the conviction rate in IPC cases not only continued to be the highest throughout the 2001 to 2009 period, but also increased over time: 85.8% in 2001,

87.8% in 2005 and 90.2% in 2009. However, as far as the special cases are concerned, its performance is very poor and disappointing. The percentage of conviction rate in special cases in Puducherry was low as 8.3 in 2001, 9.1 in 2005 and 0 in 2009. The next state with a similar character is Tamil Nadu which recorded the second highest percentage of conviction rate in IPC cases (62.8% in 2001, 62.2% in 2005 and 62.1% in 2009), but its conviction rate in special cases was just 38.9% in 2001, 25.2 in 2005 and 12.5 in 2009. Although in both the cases a declining trend is noticed in the conviction rate, the decline is “negligible” as far as the IPC cases are concerned, but “drastic” in the special cases. Another point to be noted is that Tamil Nadu was known for a vibrant anti-Brahmin movement, also known as “self-respect movement” sphere-headed by Periyar E. V. Ramasamy in 1925 which challenged the supremacy of Brahmins over the Backward castes and portrayed the Brahmins as the real enemy of the Dalits and Backward Castes. As a neighboring territory Puducherry was also under the influence of such movement. And in independent India, both these states/UTs have been ruled mostly by the backward caste leaders who were deeply influenced by such movements. It is an irony that even in such states the worst forms of crimes such as forcing SCs to consume human urine and excreta, killings Dalits and raping Dalits women have been happening as noted earlier. And any assertion by Dalits for self-respect is met with dire consequences by the backward caste people, and many a times even the state becomes a party to it, as it happened on September 11, 2011 in Paramakkudi town in Ramanathapuram district, Tamil Nadu in which the Tamil Nadu Police killed 6 Dalits and injured 30 seriously¹⁰. This self-defeating reality of the self-respect movement may be the result of the willful failure of the so-called *self-respect* movement led mostly by the backward caste leaders to challenge the backward castes supremacy over and exploitation against the Dalits while challenging the Brahmin exploitation against and supremacy over the backward castes. The backward caste exploitation against Dalits is not confined to southern states, but all over India including Maharashtra which had similar assertion by leaders like Mahatma Phule and Dr. Ambedkar who challenged not only the Brahmin exploitation but also the caste system itself. There are many other states/UTs such as Chhattisgarh, Gujarat, Haryana, Karnataka, Kerala, Rajasthan, Chandigarh and Delhi which achieved a high conviction rate in IPC cases, but miserably failed to achieve the same in the special cases (Table 6).

c) There are states/UTs where the conviction rate is found to be very less both in IPC cases and special cases during 2001 to 2009 period. Maharashtra tops the list among such States/UTs with the percentage conviction rate of just 13.1 in 2001, 11.7 in 2005 and 9.6

in 2009 in IPC cases, and 1.8 in 2001, 5.9 in 2005 and 6.5 in 2009 in special cases. Maharashtra is followed by Orissa with 14.2, 14.9 and 13.2 as percentage of conviction rate in IPC cases in 2001, 2005 and 2009, while 13.4, 11.1 and 7.2 in special cases respectively.

d) There are states/UTs with high conviction rate both in IPC cases as well as in special cases. While carefully examining the data on conviction rate, Uttar Pradesh is found to be the number one state with, not just one, but four worth-mentioning qualifications. One, it is the state/UT which, as noted earlier, accounted for the highest conviction rate in special cases during 2001 to 2009 period: 49.2 in 2001, 49.4 in 2005 and 52.6 in 2009. Two, it is a state which figures among the top five states with high percentage of conviction rate in IPC cases: 54.9 in 2001, 58.6 in 2005 and 54 in 2009. Third, it is a state where the conviction rate both in IPC cases and special cases is more than 50% particularly in 2009. And fourth, it is a state where the gap between the conviction rate of IPC cases and special cases is comparatively very minimum; the average gap during 2001 to 2009 is only about 5. The gap is much wider in the case of all other states. The states that followed Uttar Pradesh with high conviction rate in special cases in 2009 include Uttarakhand (46.4%), Rajasthan (43.3%), Madhya Pradesh (38.4%) and Chhattisgarh (28.7%) (Table 8).

Among the states/UTs where there is minimum gap in the conviction rate between IPC cases and special cases in 2009, Jharkhand takes the second rank, the first being Uttar Pradesh, followed by Madhya Pradesh, Himachal Pradesh Rajasthan and Maharashtra. It may be recalled that Maharashtra tops list among states/UTs where the conviction rate is both IPC cases as well as in special cases is the lowest (Table 8), despite being the state that had great leaders like Mahatma Phule and Dr. Ambedkar who challenged caste based injustice and exploitation and advocated for annihilation of caste throughout their life.

Although Uttar Pradesh can be seen as a state that can soon become the only state where the conviction rate in special cases would be equivalent to, if not higher than, that of the IPC cases, the fact that there is not even a single state where the conviction rate in special cases is higher than that of the IPC cases in 2009 and that there is a vast gap between the percentage of conviction rate in IPC cases and special cases, seem to indicate very clearly that most of the states take the IPC cases more seriously than the special cases. In other words, there is a lack of political will on the part of the state—police and judiciary—to make the special laws such as the PCR Act and POA Act work and to ensure justice to victims of caste based injustice and exploitation through such legal means. But the fact that Uttar Pradesh has proved time and again that those violating the rights and dignity of the SCs/Dalits can be punished effectively under the special laws need to given more visibility in the electronic and print media with view to encouraging other states to take a major issue of concern and debate among human right

¹⁰<http://news.oneindia.in/2011/09/12/jayalalithaa-justifies-use-of-force-on-dalit-protest.html> (accessed on October 28, 2011)

Table 8. Ranking of States as per Conviction Rate in Special Cases, 2009.

States/UTs	Conviction Rate in		Rank as per special cases
	Special Cases	IPC cases	
Uttar Pradesh	52.6	54	1
Uttarakhand	46.4	69.3	2
Rajasthan	43.3	60.7	3
Madhya Pradesh	38.8	47.4	4
India	29.6	41.7	5
Chhattisgarh	28.7	48.4	6
Jharkhand	25.5	31.0	7
Himachal Pradesh	19.4	24.5	8
Haryana	18.2	36.3	9
Andhra Pradesh	12.8	33.3	10
Tamil Nadu	12.5	62.1	11
Bihar	11.6	18.0	12
Punjab	10.3	35.0	13
Kerala	9.9	57.1	14
Orissa	7.2	13.2	15
Maharashtra	6.5	9.6	16
Gujarat	6.3	41.1	17
Karnataka	2.0	35.7	18
Chandigarh	0.0	48.2	19
Delhi	0.0	58.1	20
Arunachal Pradesh	0.0	58.2	21
Puducherry	0.0	90.2	22

Source: Table 7 above; National Crime Records Bureau, Government of India.

defenders and academics. The high incidence of brutal crimes in Uttar Pradesh and other states is usually attributed to the state's failure to protect the Dalits from caste violence, while the real reason seems to be different. One obvious reason could be that the police in these states were relatively more prompt in registering cases of caste violence, and the police's promptness could be attributed to the political will of the leadership in these states. Though the decision of the Mayawati government to register complaints under the POA Act only when the crimes committed against the SCs are of serious nature such as rape and murder—which became a possibility through an amendment to the POA Act—may be argued to have undermined the spirit of the law and seriously affected the interest of the Dalits, the fact of the matter is that it is only in the state of Uttar Pradesh the number of rape and murder cases registered under the POA Act is much higher compared to other states. And as noted before, it is only in this state the number of

cases ended in conviction is comparatively higher. Moreover, one also cannot ignore the fact that in a joint electorate system, no leader including Mayawati can afford to ignore the demands of the non-SC/ST members since the latter is a bigger vote bank. From these data it can be concluded that in bringing justice through court of law to the SCs who were subjected to one or other forms of caste based crimes, the performance of Uttar Pradesh, of all other states, stands far greater. The performance of other states such as Uttarakhand, Rajasthan and Madhya Pradesh is also worth noting. But most other states still stand far away from the desired.

WHY HIGH INCIDENCE CRIMES DESPITE SPECIAL LAWS?

There are more than one reason why crimes against Dalits continue despite special laws and various

institutional mechanisms. First, crime against Dalits has religious sanction. When most Indians being religious and God-fearing and violence against Dalits has religious sanction, it is no surprise that such violence is not taken as a matter of serious concern. Violence, discrimination and practice of untouchability against the Shudras, the so called Backward castes or dominant castes of the Hindus is justified in one of the most popular Hindu scriptures called *Manusmriti* written by Sumathi Bhargava in 185 BC (Ambedkar, 1987: 240). According to *Manusmriti* which prescribes code of conducts for the Hindus:

i) "God created the Shudra to be the slave of all". ii) "A Shudra committing adultery with an Aryan (Brahmin) woman shall have his organs cut off and his property confiscated." iii) "A Shudra committing adultery with women of the first three castes, shall suffer capital Punishment, or shall be burnt alive tied up in straw". iv) "A person who dies with a Shudra's food in his stomach will be born again as a pig or a Shudra." On touching a Chandala or one who has touched a Chandala (Dalits) one must immediately bathe with one's clothes on' (Ghurye, 1969: 59-78). "X.129. No collection of wealth must be made by a Shudra even though he be able to do it; for a Shudra who has acquired wealth gives pain to Brahmins. X.125. The remnants of their (Brahmins') food must be given to him, as well as their old clothes, the refuse of their grain, and their old household furniture. "X.51. But the dwellings of the Chandalas and the Shvapakas shall be outside the village, they must be made Apapatras (tin sheet) and their wealth (shall be) dogs and donkeys (Ambedkar, 1990: 271).

By imposing these sanctions against the Dalits, which were originally meant for themselves, as Ambedkar argued¹¹, the Shudras assumed themselves to be upper castes above the Dalits. The centuries of adherence to these inhuman caste codes has got deeply ingrained in the minds of not only the *savarnas* or upper caste but also the *avarnas*. The impact of these codes among the Hindus is so deep that both the violators – the caste Hindus and the violated – the Dalits, do not feel the violence against Dalits as violence. While the violators consider their violence against Dalits as their religious duty and caste rights, the violated is made to believe that bearing meekly such violence as their religious duty and respect to the caste they belong and to the caste above them and that revolting against such religious sanctions and the violence committed against them would grossly undermine their prospects in the next birth. As a result, a vast majority of them, particularly those in remote villages, continue to be in what Freire (1973) called the "habit of submission" and do not revolt against such violence. Indeed, over the years such practices have rather become an integral part of their 'proud cultural

traditions'.

Though the Shudras have been condemned more overtly in post-Vedic Hindu scriptures such as *Manusmriti* as people unworthy of social interaction, and accordingly prevented from gaining access to education, wealth, political power, and those Shudras who dared to violate these restrictions were subjected to severe punishments such as cutting off their tongue, filling their ears with molten lack, and cutting them down into pieces (Ghurye 1969; Ambedkar 1979, 1987, 1990; Ramaiah 2007), they seem to be in an illusion of considering themselves a superior caste and continue to commit inhuman crimes against Dalits to perpetuate their illusion. Studies have revealed that most of the crimes against Dalits are committed by these so called *Shudra* or Backward caste people (Ramaiah 2007).

Second, as argued by Ambedkar, most of the Dalits—being illiterate, ignorant and god-fearing—themselves believe in caste system and practice caste discrimination among themselves, probably not to the extent the upper caste do. They, therefore, remain divided and are unable to take a collective action against caste oppression (Ambedkar, 1989: 266).

Third, the relative improvement in the educational and economic status and access to bureaucratic and political power that the Dalits achieved with the help of various protective, legislative and developmental measures guaranteed in the Indian Constitution and a few positions of power and honour that they were given by the State outside the purview of reservation policy such as Member-Planning Commission, University Vice-Chancellor, Chairman-University Grant Commission, Governor etc., have themselves become a major cause for violent attack on the Dalits (Ramaiah, 2006: 183). Instead of considering Dalits' rise in political and bureaucratic structures as an achievement of parliamentary democracy, the caste Hindus often perceived it as a direct threat to their upper caste supremacy in the caste structure. The violent reaction is also due to the kinds of impact the limited Dalit elites created in the minds of ordinary Dalits: (i) the limited Dalit elites inspired many Dalits to aspire for such positions without taking the support of reservation policy, and (ii) it also inspired them to fight for their rights and dignity with high hope and confidence. This further enraged the caste Hindus resulting in more brutal violence.

Fourth, although the SCs/Dalits alone account for over 16% of total Indian population, they constitute too small a number in each village to muster enough courage for taking the support of law and going to the police and the judiciary to punish the caste Hindus violating their rights (Ambedkar, 2003: 350; Ramaiah, 2007).

Fifth, most of the Dalits are landless and depend on the very castes that violate their rights and dignity to earn their living. So, though there are laws to their support, they would not dare using them to protect their source of living.

Sixth, seeking justice through the special laws is not an

¹¹Dr. Ambedkar's Writings and Speeches, <http://www.ambedkar.org/ambcd/57.%20Manu%20and%20the%20Shudra.htm> (accessed on 8.2.2011).

easy task, since it demands adherence to number of procedures on the part of the victims, accused, police, the special public prosecutor and others concerned at every stage of the case, which is often turn out to be very costly, tiresome and time-consuming, particularly for the victims. Invariably, it is during this time the accused indulges in number of mischievous activities including bribing the police, tampering the evidences, pursuing the victims for an 'out of court settlement of the case' and threatening the victims and their witnesses etc. And if they have to pursue the case despite all these, it would be at cost of their means of sustenance, dignity, peaceful living, and sometimes their life itself (Ramaiah, 2007; Ram, 1986).

Seventh, unduly delayed judgment in most of the untouchability and atrocity cases is also a potential cause. For instances, the upper caste members of Ranvir Sena group in the Bathani Tola village, situated under Sahar block of Bhojpur district, Bihar killed 21 Dalits and poor Muslims in 1996, but the judgment of sentencing three of them to death and life imprisonment to 20 others came only on 12 May 2010, nearly after 14 years¹². Moreover, such judgments are not the final one. They are appealed and repealed in higher courts and they hardly result in conviction finally. The process of investigation and trial not only take lot of time but also subjects the victims into immense mental, economic and social hardship, resulting in the victim losing interest to take the case to its logical end. Since most of such cases end in acquittal, the victim becomes more vulnerable economically and psychologically and faces further humiliation and harassment.

Eight, overwhelming caste loyalties and sentiments often influence the decisions of the police and judiciary. Though the law of the land provides the government with the stick that it needs, the effects of these laws depend primarily upon the credibility of the government and the elite in society in implementing those laws earnestly. This observation of Gore (2003: 25), which indeed pertains to implementation of laws against corruption, holds truth also with respect to implementation of special laws against caste violence. Second, the government and the elite of the nation often claim that there are powerful laws and effective law-enforcing mechanism in place to deal with caste violence. They seem to ignore the fact that most of those committing atrocities against the Dalits and most of those expected to punish those committing atrocities belong to the same castes – *Shudras* or backward castes and upper castes. As early as 1930 Ambedkar wrote:

"The police are drawn from the ranks of the caste Hindus. The police and the magistracy are the kith and kin of the caste Hindus. They share the sentiments and the prejudice of the caste Hindus against the untouchables. If

an untouchable goes to the police officer with a complaint against the caste Hindus instead of receiving any protection he will receive plenty of abuse. Either he will be driven away without his complaint being recorded or, if it is recorded, it would be recorded quite falsely to provide a way of escape to the Touchable aggressors. If he prosecutes his offenders before a Magistrate the fate of his proceedings could be foretold. He will never get Touchable witnesses because of the conspiracy of the villagers. If he brings witnesses from the untouchables the Magistrate will not accept their testimony because they are interested and not independent witnesses or, if they are independent witnesses, the Magistrate has an easy way of acquitting the accused by simply saying that the complainant untouchable did not strike him as a truthful witness" (Ambedkar, 1989: 268-269).

The explanation of Ambedkar regarding why most cases of caste discrimination and violence end in acquittal is true even in the present context. When the law enforcement agency, the police and the judiciary, does not seem to be free from caste prejudice—since they are very much part of the same caste-ridden society—expecting law to ensure justice to victims of caste crimes is rather an impractical solution to this perennial social problem. In other words, it is rather a fallacy viewing law as an independent agency capable of bringing the desired social change, when it is very much an aspect of society. As long as the basis of social relations remain caste-based, the law alone cannot bring the desired social change (Jayaram, 1986; Cotterrel, 1984). After all, people's daily life in India is not governed entirely by Constitutional laws, but more often than not by caste laws that are meant to keep the caste divisions and much that go along with intact.

Ninth, the State romanticism of Indian villages as conflict-free little-republics is a problematic approach to ending caste crimes. Though almost every prominent political leader of both ruling and opposition parties condemn violence against Dalits and call it 'a matter of shame' and some of them even visit the site and console the victims, such responses do not result in punishing the accused as per the law. When the accused are left unpunished, it further encourages the dominant castes to commit more atrocities, making the special laws absolutely redundant and ineffective. Even some of the recent decisions of the government seem to be in total violation of such special laws, and an open invitation to caste based violence against Dalits. For instance, the Kharilanj village in Maharashtra, referred earlier, where four members of a Dalit family were brutally murdered after subjecting their women into indignities in broad day light in presence of villagers, has been selected as a 'dispute-free village' and rewarded with Rs.100000/- (rupees one lakh only) by the government of Maharashtra under its *Tanta-Mukta Abhiyaan* scheme on April 1, 2010 (Hindustan Times, Mumbai, April 24, 2010). This is a gross violation of the spirit of such laws.

¹²Indo Asian News Service | 12 May 2010, <http://india-forums.com/news/article.asp?id=247933> (accessed on 2.2.2011) .

No doubt, one cannot rule out the possibility of the State becoming the oppressor of the vulnerable and excluded communities—as it happened in an incident on September 11, 2011 in Paramakkudi town in Tamil Nadu in which the police, without resorting to lathi-charge or tear-gas, shot-dead 6 Dalits among those who staged a protest demanding the immediate release of their leader John Pandian who was on his way to the town to pay homage to a much revered leader in the district Mr. Immanuvel Sekaran. Yet, state can also be a protector of the vulnerable and excluded as in the case of Uttar Pradesh which has shown that laws can be an effective means to punish those violating the rights and dignity of Dalits/SCs effectively. The increasing incidence of violence against Dalits in the state only reflects that the Dalits in Uttar Pradesh, with Ms. Mayawati as their chief minister, are increasingly becoming conscious not only of their self-respect and dignity but also the value of their votes. It also reflects their determination and hope not only to throw away first the caste based stigma and then their caste itself, but also to become the giver instead of being the receiver as they have been as 'Hindu Untouchables' for centuries. In this stage of transition, violence against Dalits is bound to be on the rise, but given the present encouraging state response, and with the presumption that such response would continue at least for a decade more, the violence is bound to come down drastically in a decade time.

Towards pragmatic solutions

In a caste-ridden society, ending caste violence seems to be rather an unrealistic aspiration. As the Dalits become more and more conscious of their worth—a process that cannot be stopped in a globalizing world—their assertion for self respect and dignity is bound to grow many folds. Such an assertion, which has become a day-to-day phenomenon, often results in violence, subjecting the assertive Dalits into inhuman brutalities such as rape and murder. But the Constitutional idealism aspires to achieve fraternity among all its citizens by ensuring liberty and equality to all, and therefore the need to end caste discriminations and violence. Ending caste violence can be thought of in three ways: i) legal means, ii) educating the oppressive caste Hindus and iii) separate settlement.

a) Legal means

1) Although powerful laws such as the PCR Act and the POA Act are in place to deal with caste discriminations and violence, they remain ineffective, as stated earlier, due to the fact that most of the officials in charge of implementing these laws by and large belong to the very castes, the caste Hindus that violate these laws. So, the decisions of the police, judiciary and others in charge of

delivering justice to the victims of caste discrimination and violence are bound to be partial and bound to be violators of these laws. It is, therefore, logical and necessary to appoint more number of officials belonging to the SC and ST communities at various levels particularly in those special police stations and courts entrusted with the task of ensuring justice to the caste victims. In other words, the role of caste Hindus in such police stations and courts is to be minimized. After all, to deal with women issues, there are special commissions both at the state and national levels and also special women police stations, and in all these bodies the women's representations is significantly large. The same logic may be applied to address caste based violence and discriminations.

2) Recognizing the fact that most of incidence of untouchability and atrocities happen at the village and town levels, that such cases are mostly handled by either Sub-Inspector or Inspector or District Superintendent of Police (DSP) in that area whose primary responsibility is to maintain law and order, and that most of them belong to non-Dalit communities and therefore likely to be uninterested in implementing these special laws earnestly, it becomes necessary that the confidential report of the DSP in that district who writes the confidential report of the Inspector or sub-inspector below his rank, should be written by an officer above him in the rank whose primary responsibility is to implement such special laws earnestly and effectively throughout the state. It is better that such an officer belong to the SC or ST community (Ramaiah, 2007).

b) Educating the oppressive caste Hindus

While it is necessary to educate the SCs and STs about their legal rights and the ways in which the special laws such as the PCR and the POA Acts could be used to protect their rights and dignity, it is equally important to educate the oppressive caste Hindus about the illegality and immorality of their caste prejudice against the Dalits/SCs. Disagreeing with the argument that "the general spread of education will make the Hindus act in a rational manner" and that "the constant preaching of reformers against untouchability is bound to bring about a moral transformation of the Hindus and quickening of his conscience," Ambedkar argued that these factors, particularly expecting the caste Hindus to give reasons for their prejudiced behaviour, would bring the desired result only when there is no vested interest. When reasons come into conflict with vested interests, it fails", he argued. He maintains, for instance:

"Many Hindus have a vested interest in untouchability.

That, vested interest may take the shape of feeling of social superiority or it may take the shape of economic

exploitation such as forced labour or cheap labour, the fact remains that Hindus have a vested interest in untouchability. It is only natural that vested interest should not yield to the dictates of reason. The untouchables should therefore know that there are limits to what reason can do. ... "In India itself, the whole Brahmin community is educated, man, woman and child. How many Brahmins are free from their belief in untouchability? How many have come forward to undertake a crusade against untouchability? How many are prepared to stand by the side of the Untouchables in their fight against injustice? In short, how many are prepared to make the cause of the untouchables their own cause? The number will be appallingly small" (Ambekar, 1989: 397).

This statement "...Hindus have vested interest in untouchability" indicates that all Hindus have vested interest. Making special reference to educated Brahmins, their untouchability practices and their lack of interest in taking up the untouchability issue is primarily to negate the argument that education is a panacea and it would end all social evils including untouchability. This is not to be understood that only the Brahmins want to practice untouchability. Those indulging in very crude and inhuman forms of untouchability and atrocities these days are indeed the so called backward or dominant castes. All over India most of the incidence of Dalit being murdered and Dalit women being raped are those committed by the backward castes (Ramaiah, 2007). In fact Brahminism, both as an ideology and a creed, has become a reality among all castes, of course, in varying degrees; higher the castes, higher is the extent and forms of untouchability practices they observe.

Encouragingly, not only the number of Brahmins taking up Dalit issues seems increasing, but there have also been change over the years in their mind set, at least of few Brahmin scholars who themselves do not value Brahmanism and refrain from using their surname that overtly portrays their Brahmin identity. Some of them go out of their way to prove their secular credentials. This positive change is partly due to their early exposure to western ideologies and western way of thinking and living. There have been many occasions in which I deliberately called some of my Brahmin friends and colleagues by their surname such as *Pandey ji*, *Dubey ji*, *sharmas ji* to remind them of their caste identity. This was not liked by them. They now know that as these caste titles have almost become an abuse among the Dalits particularly in leading academic institutions in India like the Jawaharlal Nehru University and Tata Institute of Social Sciences. And they, therefore, expected me calling them by their first name that does not reveal their caste identity. Except a few having the support of *Hindutva* forces, there is hardly anyone these days either in class room situation or in any public debate in leading universities and colleges who would overtly support Brahmanism, although he/she may do in private.

However, in rural areas, there is hardly any major

difference between the Brahmins and the Backward castes as far as the practice of untouchability is concerned. But atrocities are committed mostly by the backward castes. This, in any case, clearly indicates the need of educating all oppressors—Brahmins and non-Brahmins alike—rather than focusing only on the oppressed, the much celebrated project of Freire (1972), if the ever increasing crimes against Dalits is to be stopped. Both the Brahmins and the backward castes in rural areas seem to be in urgent need of being enlightened, in other words, being released from what Immanuel Kant calls the "self-incurred tutelage" which indicates one's state of mind that lacks courage and resolution to act or take decision on an issue without direction from another, despite having valid reason for it (Foucault, 2007: 29).

c) *Separate settlement*

Of the many demands Ambedkar proposed in the All India Depressed Classes Conference held on July 18, 1942 at Nagpur, particularly to end caste discrimination and violence against the untouchables, he considered the project of "separate and independent settlement for untouchables" as the most important one.' He justified it in the following words:

As against the Hindu village the untouchables simply cannot offer any resistance. They are numerically small and they are economically poor. While this village system continues to exist in its present form the untouchables will never achieve their independence, whether social or economic, and will get over the inferiority complex which they have developed as a result of their state of social and economic dependence. The village system must therefore be broken." ...

There is a good deal of cultivable land which belongs to government and which is unoccupied. This could be reserved for the purpose of giving effect to this scheme of new village of untouchables. Government could buy from private individuals out-lying vacant land and use it for the same purpose. It would not be difficult to induce the untouchables to shift from their present habitats to these new villages and settle there as independent farmers" (Gaikwad, 1942: 34 - 35). Even in 1944, Ambekar reiterated the same demand in an interview (Ambedkar, 2003: 350).

He gave a formal shape to this demand under Part II- Clause 2 of Article II-Section IV of the Memorandum he prepared called "States and Minorities, dated March 15, 1947, and submitted the same to the Constituent Assembly. He maintained in it:

"At present, the Hindus live in the village and untouchables live in the ghettos. The object is to free the Untouchables from the thralldom of the Hindus." He

further observed, "It is the system of village plus the ghetto which perpetuates untouchability and untouchables therefore demand that the nexus should be broken and the untouchables who are as a matter of fact socially separate should be settled into separate villages exclusively of untouchables in which the distinction of the high and the low and of touchable and untouchable will find no place (Ambedkar, 1979: 425).

The relevance of this demand today is reinforced with the growing incidence of brutal crimes against Dalits, and thus the Dalits' refusal to stay with their so called fellow villagers. The most recent example being the caste carnage at Mirchpur village of Haryana state on April 21, 2010 in which a physically challenged girl and her 70-year-old-father were burnt alive, 18 houses gutted and subsequently the community of Balmikis settled far away from their village. And when leaders and police came on the scene they refused to go back to their village fearing dire consequence. The NGOs which were engaged in fact finding mission also suggested that the Dalits to be settled elsewhere and they be provided with cultivable land (The Hindu, April 28, 2010). Even more disappointing incident is the one that took place during 2008 and 2009 at Panthapuli village near Sankarankovil in Tirunelveli district, Tamil Nadu in which the caste Hindus, who could not tolerate the fact that the Dalits too gained rights, of course through court of law, to offer prayer in their 100-year old Kannanallur Mariamman Temple, deserted their own village as a mark of protest against Dalits' access to village temple and settled down at Yettisery hillock (The Hindu, May 24, 2010).

In short, it may be concluded that the enmity between Dalits and caste Hindus particularly in rural India is so stark that it becomes virtually impossible to hope that the caste Hindus could be educated to treat Dalits as fellow human beings and fellow citizens of India. Given the fact the most of those in police and judiciary belong to the caste Hindus, no doubt that they do have vested interests in perpetuating caste and thus the discrimination and violence. This is not to deny the contribution of a very few exceptionally committed non-Dalit police officials and those in judiciary. The experience since 1950 in ending untouchability, caste discrimination and violence against Dalits through legal means has taught us that such means are no doubt has made an impact, but the impact is very limited as the data have indicated. It is, therefore, high time that we implemented on an excremental basis the Ambedkar's proposal of shifting those few Dalit families living in villages predominantly inhabited by the non-Dalits to a faraway place, which could be one or two independent districts, where there would be no

'Touchable' to call them as 'Untouchable' and providing them all sustained means of sustenance such as land. Such an approach need not be taken as separatist's agenda, but as an attempt to ensure not only adequate protection to but also an opportunity for the development of the hitherto pilloried and vulnerable section of our society. This may also be taken as an opportunity for the caste Hindus to learn to live in a democracy that is committed to liberty, equality and fraternity.

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