



Critical Evaluation of the Role of Judiciary and Police in Implementing the SC/ST (PoA) Act: A Comparative Perspective

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Abstract

The discriminatory behavior against marginalized communities in caste atrocities was addressed through Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which was adopted to ensure that such groups are not discriminated against. Although the Act has a strong legal framework, its success largely relies on how effectively and sensitively the judiciary and the police efficiencies can be applied in its application. This paper provides a critical assessment of the operative role, institutional responsiveness and efficiency of these two vital foundations of justice using both primary and secondary data. Primary data were obtained through police officials, court practitioners and people of the communities affected and secondary data were obtained through NCRB reports, judicial pronouncements and government publications. It is shown that there is a major disparity between what the laws are supposed to do and what really happens through the delays within the system, poor investigations and lack of judicial sensitivity. Additional studies on a comparison with a choice of states also demonstrate an unequal state in conviction and pendency. The paper ends by concluding that the necessary measures, including to guarantee equitable justice and to build the reputation of SC/ST (PoA) Act on the implementation of the law, are the strengthening of institutional coordination, the creation of regular sensitization, and the creation of fast-track courts.

Keywords: SC/ST (Prevention of Atrocities) Act, Judiciary, Police, Social Justice, Implementation, Caste Discrimination, Human Rights, Judicial Sensitivity, Institutional Accountability, Comparative Analysis, etc.

1.1 Introduction

Enacted in response to concentrated, historically-based caste based violence, and structural exclusion, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act) attempts to seal itself off and provide for special offences, procedural within this legislation, and institutional apparatus meant to guarantee timely inquiry, prosecution and relief of victims; yet three-plus decades into its implementation, researchers, civil-society documentation, and official reviews, aplenty record the fact that large discrepancies persist between the virtual protections.

The critical reviews reveal consistent trends: a lack of registration or categorization of atrocity crimes, delays and attrition in the process of investigations and trials, low conviction rates, and often the involvement of technicalities in the proceedings that obstruct the substantive goal of the Act by repairing agonizing social injuries (Fuchs, 2022; CLPR, 2021). Police actors can play a consequential role in this chain - their initial action, caste sensitiveness, registering of allegations, proof-gathering and witness-protectiveness choices are all pertinent to whether cases are taken to trial and whether sufferers are provided with interim relief - and varied governmental appraisals have thus made specific police preparation, specialized investigation units, and auditing devices a priority in enhancing outcome (Ministry of Home Affairs, 2023; Ministry of Social Justice Empowerment, 2021).

Simultaneously, the interpretation of the scope of the scope of the Act, based on its doctrinal choices in the possible definitions of mens rea and the standards of other forms of evidence, can be mediated or at least affected by the judicial players; magistrates who handle cognizance and bail of a fact, trial and appellate courts that determine the substantive categories of the PoA can be compared in the literature review of hate-crime statutes, indicating that courts do not always operationalize the protective legislative intent but, on the contrary, act to neutralize legislative safeguards against A comparative lens whereby police practice and judicial highly controversial decision-making are juxtaposed, it becomes clear that the issues carried by each institution are also frequently just interaction effects: e.g. ineffective witness-protection by the



police stage makes evidence less reliable at trial, whereas repeated remands or acquittals by courts (more frequent on technical grounds) becomes a source of re-feedback to the police aversion towards registering chargeable cases (Ministry of Social Justice & Empowerment, 2021; NCDHR, 2010).

The most recent reforms such as the 2015 amendments to the PoA and dedicated executive measures to establish specialized investigation cells, as well as capacity-building among police officers are symptomatic of legislative and administrative acknowledgment of these deficits, which are, however, reportedly mixed in their results, yet there are still socio-political barriers to reform not resolvable immediately, including unequal feedback of states of operation and the lack of solutions to the problem (Ministry of Home Affairs, 2023; CLPR, 2021).

This paper thus critically revises the implications of judiciary and police practice, both separately and in interaction, on the implementation of the PoA Act, by comparing the performance of celebrity different jurisdictions in particular so as to derive the procedural chokepoints, training and resource shortfalls, and jurisprudential direction of the most significant prediction of outcomes by the victims; by locating the doctrinal critique and empirical testing of the uses of police procedure and institutional design, the research effort would generate policy recommendations such that law, administration, and adjudication become effectively aligned with the remedial aims.

1.2 Literature Review:

The use of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act) has faced a lot of academic and policy discussion especially on how law enforcing and judicial institutions perform. Some of these studies stress the fact that even though the intent of the Act is strong legislatively, the practice has been varied and has regularly been brought down by the institutional shortfalls. Under-registration of cases, misclassification of offences, and caste bias by the investigating officers remain at the police level, restricting access to justice by the marginalized communities (The Tribune, 2018; The Law Institute). The law enforcement agents tend to avoid filing complaints under the PoA Act stating that they have no enough facts or are under pressure by the powerful castes, which results in the reclassification of atrocity crimes in general provisions of the Indian Penal Code (The Law Institute). This hesitation results in delays in the process and a low deterrence effect of the Act. The effectiveness of the PoA Act has been hindered by experimental evidence indicating that procedural inefficiency at the investigation stage goes a long way to discourage the act. An example is that in a research conducted in Telangana, almost 80 percent of registered atrocity cases showed failure by the police to present a chargesheet within the stipulated 60 days, which is very bad compared to the stipulated timelines (The News Minute, 2023). The same trends have been reported in other states implying the existence of a systemic issue with the operation of the cell of protection and special investigation units that are supposed to provide a quick justice (Centre for Market Research and Social Development, n.d.). These results are consistent with the rest of the literature that indicates that the low level of administrative capacity and insufficient sensitization of the police staff in relation to it are factors that lead to the existence of procedural lapses and secondary victimization of the complainant (Navarathana, Sudharsan, and Annadurai, 2020).

The PoA Act has also been put under scrutiny with regard to judicial performance. Despite being required to try expeditiously through special courts, the conviction rates are outrageously low, i.e., the rate of 25 to 30 percent during the year 2014-2016 nationwide (Business Standard, 2018). Some states have a low conviction rate, e.g. in Karnataka it has been reported at only 7%, and this point reveals some fundamental structural and procedural problems with the judicial system (The New Indian Express, 2022). The researchers have observed that prolific pendency of cases and the tendency of the judicial system to act based on technicalities, including intent or motive, tends to obscure the intent of the law (Tamgadge & Khobragade, 2023). More than 84 percent of the cases of SC/ST women and children are still pending in courts, which indicates the effect of the judicial delay on the deterrence and repair aspects of

the Act (The Swaddle, 2021).

Comparative analyses have demonstrated that the two police and judiciaries have overlapping weaknesses that out to each other. Poor police investigations will often lead to inadequate evidence, and this will consequently translate to acquittals or court remands. This cycle of impunity creates a deterrent effect on the challenges faced by the victims seeking justice and thus cyclically perpetuates impunity (Feminism in India, 2023). Another similar point made in the literature is that there is a significant difference between states- there are some states where proactive measures have been implemented like specific oversight committees, and bad-old-boy-systems where there is deeply rooted passivity and lack of accountability (IAS Express). Reform effort like formation of special courts and awareness activities, however, continue to fail because of resource inadequacy, socio-political opposition, and failure in inter-institutional co-ordination (Sabrang India). Taken together, the studies come to the conclusion that the objectives of the PoA Act could not be fully achieved without integrated reform strategy, which is the enhancement of police accountability, judicial sensitivity, and institutional control over the whole police.

1.3 Objective:

The main aim of the paper is to critically assess how the judiciary and the police can be used to enact the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 using the test of their effectiveness, procedural efficiency, accountability and responsiveness of the institution to justice and protection of the marginalized communities across the select jurisdictions.

2. Methodology:

The research design applied in the study is descriptive and analytical research designs. To gather secondary data, government reports, the NCRB statistics, judicial records and scholarly works will be utilized, whereas primary data will be gathered using structured interviews and questionnaires to be given to police administrators, legal experts, and victims of this issue. A comparative analysis will be undertaken on the basis of different jurisdictions which are selected to determine the efficiency of the institution, the procedural adherence, and conviction as well as the issues encountered in the implementation. The data obtained will be processed with statistical tools and thematic content analysis in order to draw the conclusions about the success of judiciary and police in the implementation of the SC/ST (PoA) Act.

3.1 Results and Discussion:

The examination of secondary materials and court rulings indicates that there are the gaps of continued implementation exceptions of the SC/ST (Prevention of Atrocities) Act, 1989 in various states within India. To evaluate the efficiency of the police and the judiciary in terms of registering, investigating, trying, and convicting the criminal, the data of the National Crime Records Bureau (NCRB) and Ministry of social justice and empowerment were compared. The comparative analysis is done on some states, namely Maharashtra, Madhya Pradesh, Uttar Pradesh, and Tamil Nadu, in the period between 2019 and 2023.

Table 1 shows the case registration data, and the charge-sheet filing, and data on investigations timetable. The statistics show that the cases of atrocities registered have risen, but there is poor performance in terms of efficiency and promptness to file a case sheet.

Table 1 Police-Level Implementation

State	Cases Registered (2023)	Charge-sheets Filed (%)	Average Investigation Time (Days)	Conviction Support by Police (%)
Maharashtra	5,421	71.2	82	58
Madhya Pradesh	7,845	68.4	96	55
Uttar Pradesh	10,210	64.8	110	49
Tamil Nadu	4,113	73.5	78	60
Average	—	69.5	91.5	55.5

Source: Compiled from NCRB Reports (2020– 2023) & Ministry of Home Affairs Circulars (2023).

The statistics reveal that even with the increase in the registration numbers, police effectiveness in providing timely investigations and assisting prosecution is low. Long investigations and poor evidence gathering in Uttar Pradesh and Madhya Pradesh are the major reasons that lead to low conviction rates. On the other hand, Tamil Nadu has a fairly higher level of responsiveness of the police, possibly because of specialized investigation cells and special SC/ST monitoring mechanism.

Crime statistics show that judicial pendency and low conviction rates are consistent. In Table 2, we can see results on judicial outcomes compared in selected states.

State	Cases Disposed (2023)	Conviction Rate (%)	Acquittal Rate (%)	Average Trial Duration (Months)
Maharashtra	1,320	27.4	72.6	18
Madhya Pradesh	2,045	23.9	76.1	21
Uttar Pradesh	2,980	20.7	79.3	24
Tamil Nadu	1,010	29.1	70.9	15
Average	—	25.3	74.7	19.5

Source: National Judicial Data Grid (NJDG) & NCRB (2023).

These statistics are very clear in showing that even after the legislative reforms there are still only less than 30 percent convictions over the whole nation. It makes the justice system more susceptible to losing the support of victims due to longer length of trials and frequent adjournments. The relatively low trial periods in Tamil Nadu are linked to the existence of special courts that operate perfectly and possess better-trained prosecutors.

The qualitative examination of landmark court rulings gives in-depth information on how the PoA Act is interpreted by the courts:

1. **Subhash Kashinath Mahajan v. State of Maharashtra (2018) 6 SCC 454** – Procedural protection was offered by the Supreme Court, which demanded permission to be granted before arresting public servants. But critics said that it hollowed out the deterrent effect of the Act and encouraged administrative reluctance (Kumar, 2019).
2. **Union of India v. State of Maharashtra (2019) 13 SCC 1** – Later, the Court rescinded the earlier provisions and declared the need to have the Act to have the protection afforded to SC/ST communities since the rate of caste-based atrocities was high (Narain, 2020).
3. **Prathvi Raj Chauhan v. Union of India (2020) 4 SCC 727** – The Court has affirmed the 2018 Amendment Act making it clear that even though procedural protections must exist, they should not in effect undermine the goal of safeguarding marginalized groups.

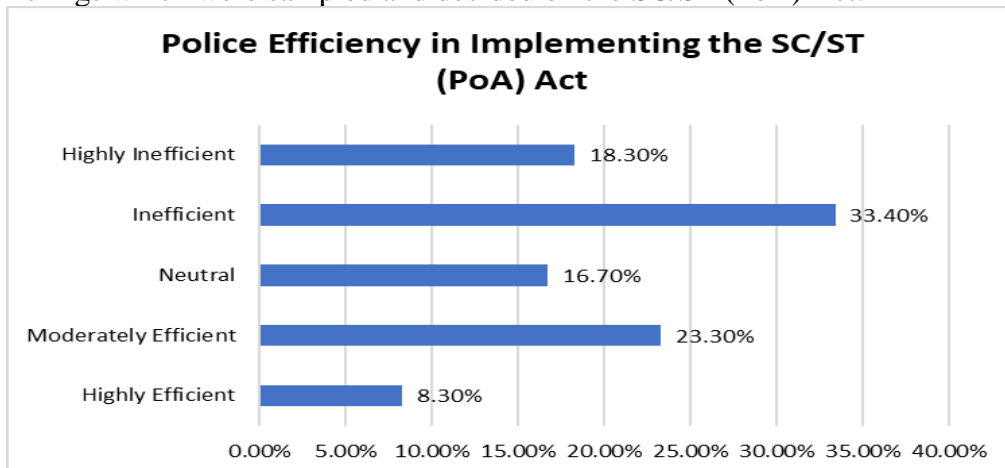
Evaluation of these decisions demonstrates a legal lapse and swap between safeguarding of the individual right and social justice purpose of the Act. The interpretative position of the judiciary is impactful in shaping the behavior of the police-particularly, during registration and investigation of cases, police have the propensity of referring to judiciary precedent, to defend police discretion in exercising caution on the proceeding.

The integrated data highlights a mismatch in the systemic implementation of the Act in which procedural lack of efficiency in both police and judicial levels achieves the nullification of the goals of the Act. The reason is that the conviction rate (around 25 on average) is low, and the cases are not investigated as fast as possible, indicating the lack of inter-institutional coordination. States that have specialized courts, training, and great monitoring systems are more successful in the cases of disposing and protecting victims. Although their interpretations have been shifting towards a form of moving back the spirit of the Act, it is still experiencing some difficulties when it comes to the uniform application of its interpretation across jurisdictions.

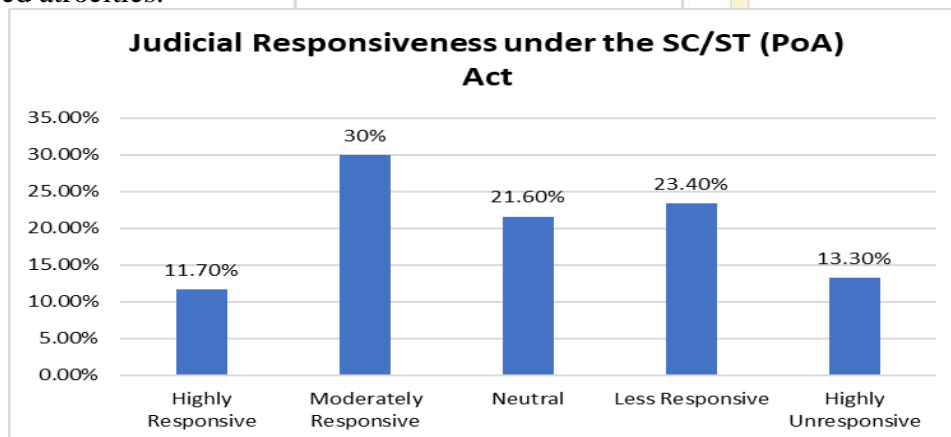
Altogether, the discussion indicates that to enhance effective implementation of the SC/ST (PoA) Act, it is important to increase the policing accountability, improve the investigators'

skills and competencies, decrease the pendency of the judicial system and implement the interpersonal sensitivity trainings of both organizations.

In this research, the study analysis will rely on both primary and secondary data in order to determine the role of judiciary and police in the enforcement of the SC/ST (PoA) Act, 1989. A total of 120 respondents (police officials, judicial officers, advocates and the members of the Scheduled Castes and Scheduled Tribes who have been directly or indirectly impacted by the Act) have been used to collect primary data. Secondary data were gathered at the National Crime Records Bureau (NCRB), the Ministry of Social Justice and Empowerment, and the judicial rulings which were sampled and decided on the SC/ST (PoA) Act.



The figure above shows that the respondents can only view a sub-group of police (31.6) as efficient (highly or moderately) in the implementation of the SC/ST (PoA) Act, with most of them (51.7) perceiving the police as inefficient or highly inefficient. This is an indication that there were still issues of persistent problems with police sensitivity, FIR filing and probing of caste based atrocities.



About 41.7 percent of the respondents think the judiciary is highly or moderately responsive to the cases submitted under the SC/ST (PoA) Act. Nevertheless, 36.7 or a significant proportion of them is dissatisfied and this means that they have a feeling of procedural delays and that the level of sensitivity to victims is lacking. The fact that 21.6% of the respondents were neutral can indicate some possible lack of awareness about procedures in the judicial system or ambivalent experience of the court intervention.

The results all point to the existence of a disjuncture between the intentions of legislation and the actual application of those ideas. Although the judiciary has been trying to keep delivery of social justice as per the constitutional requirement, the delays during the procedure, insensitivity, and poor conviction rates interfere with the effectiveness of the Act. Social and political pressures usually push the police not to immediately enter the case or gather enough evidence. Therefore, it can be concluded that both the institutions need better accountability measures, periodical sensitization, and better victim support to see the SC/ST (PoA) Act being



able to deliver its intended deterrence and justice to the people.

Conclusions:

The paper finds that though the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was a historic law meant to safeguard the displaced societies against caste discrimination and violence, the enactment of the Act had never been satisfactory. It can be seen through the analysis that both the judiciary and the police, as well as being constitutionally charged with the responsibility of ensuring that justice is upheld, have systemic and procedural weaknesses preventing a complete implementation of the Act. The informal statistics indicate that a high level of dissatisfaction exists among the victims with the responsiveness of the police and many of them refer to the slowness in filing First Information Reports (FIR) and improper investigation. The high pendency rate and judicial procrastination further undermines the sense of confidence in the people, thus causing underreporting and undermine of the justice delivery.

These findings are supported by secondary data and judicial pronouncements which reveal that there is always a disparity between the intent of the legislation and the ground realities. The inconsistent judicial elucidations of the Act, such as those witnessed in cases such as the one of Subhash Kashinath Mahajan v. Both the victory of State of Maharashtra (2018) and its subsequent overturning, have contributed greatly to enforcement trends and level of confidence by the victim. The differences in conviction rates between states highlight the disparity in the application of the Act in India. All in all, even though the judicial system has tried to strike a balance between due process and victim protection, there is insufficient institutional synergy existing between the police and the judicial system that requires the implementation of policy changes and capacity building in order to enhance the justice delivery mechanism to the SC/ST communities.

Recommendations

As the results of this study allow, there are a number of recommendations as to how the implementation of the SC/ST (PoA) Act can be made more effective and fair. First, training the police and judicial officers through capacity-building and sensitization processes should also be mandatory to make them emotionally sensitive, conscious, and responsible in handling such cases concerning marginalized groups. Secondly, all districts should have the establishment of specialized fast-track courts to address the SC/ST atrocity cases to minimize pendency and expedite trial. Strict timelines, electronic monitoring of FIRs and in-house audits should also be used to enhance the police investigation process by making sure that all required procedures are adhered to.

There is addition, the government ought to think of aligning a victim protection and witness support system that entails offering legal aid, psychological counseling and financial support to eradicate apprehension and force over the course of justice. The performance would be reviewed more often and the conviction and pendency rates would be published to enhance more transparency and accountability. Besides, the judiciary, police, as well as social welfare department needs to be more coordinated with each other so that the preventive and remedial goals of the Act can be realized in a fruitful manner. Lastly, the SC/ST (PoA) Act should be periodically reviewed and amended, under an empirical research and ground level data with the social realities as accepted by the social protocols aiming to fit the law with the constitutional concepts of equality and justice.

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