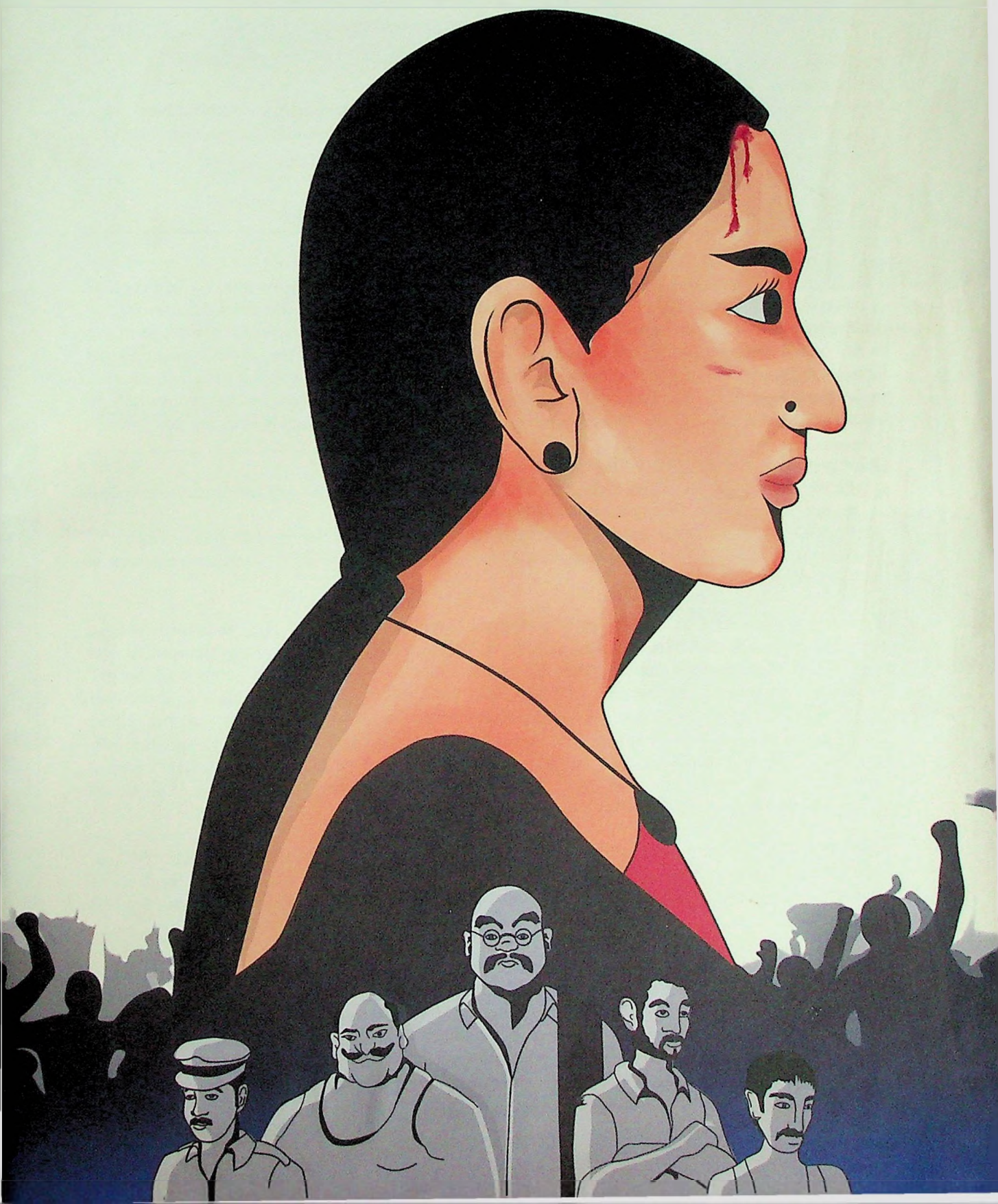
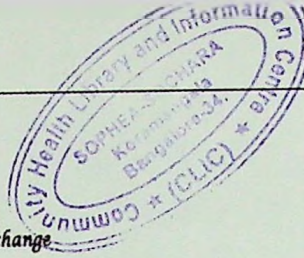


A VICTORY FOR DIGNITY

ENDING CASTE-BASED VIOLENCE





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The Alternative Law Forum is a collective of lawyers invested in an alternative practice of law. ALF has a commitment to respond, through litigation and research, to issues of social and economic justice.

Published on April 14, 2024, commemorating Ambedkar Jayanti

*Illustrations by **Vaishnavi Giridharan** and **Maniverma***

*Acknowledgements for dialogue writing and editing: **Kalpana Chakravarthy** and **Chitra Iyer***

*Special Thanks to **Du Saraswati** and special thanks to **Sivamanithan S**, without whom this would not have been possible.*

Please send your feedback to: contact@altlawforum.org.

Preface

The Scheduled Castes (SC) & Scheduled Tribes (ST) (Prevention) Atrocities Act aims to fight the age-old Indian Caste system. With 25 sections and additional rules, the Act identifies 42 acts of caste discrimination by a person who doesn't belong to SC or ST communities against a person belonging to SC or ST communities. The Act declares them as crimes, prescribes punishment ranging from imprisonment of 6 months to the maximum death penalty. Additionally, the Act mandates offenses under the Act to be investigated by the Deputy Superintendent of Police and officers ranked above her alone, in order to guarantee that caste atrocities are investigated thoroughly, speedily and fairly.

The Act protects the rights of victims of caste atrocities in 3 unique ways:

1. Firstly, by taking preventive measures. This may include declaring areas as atrocity-prone and mandating precautionary measures in such areas.
2. Secondly, by providing police protection at all times to the victims, during court proceedings
3. Thirdly, by ensuring assistance to victims in the rehabilitation process through compensation in the form of cash and kind.

However, a closer look at the impact of this novel legislation, will reveal that its implementation continues to be abysmal. According to a study by national level Dalit rights organizations, it was observed in 15 states that crimes against SC communities rose by 177.6% and crimes against ST communities rose by 111.2% between 1991 and 2021. Similarly, as per the 2023 high-level committee constituted by the Government of Karnataka to review the implementation of the Act, the rate of conviction was a mere 3.44 %, and in 1,100 instances, chargesheets had not been filed even after over two months of the cases being filed. In 2021, the Supreme Court of India itself noted that several incidents of caste atrocities go unreported, due to the fear of retribution from members of dominant caste groups, lack of awareness of the law, and police apathy.

Alternative Law Forum has taken up several initiatives to increase legal awareness about the SC and ST (Prevention) Atrocities Act. We conduct workshops regularly with activists as well as members of SC and ST communities, and have also simplified the Act in a series of informational posters and handbooks.

This fictional story, is one such initiative to reach out to community members and instill faith in the law. Our experience working with the community, the police and prosecutors have shown us that it is far more challenging for people to seek justice under the Act. However, the objective of this story is to build awareness of the law. While this story is of the utmost ideal scenario, we hope our readers draw inspiration, and feel empowered to report incidents of caste atrocities without fear. Most importantly, we hope our readers are conscientised of the cascading impact of such incidents on individual lives.

A Dalit colony is located in the periphery of a village called **Nelebaalu**. Unlike the households in the village, the Dalit colony has been denied basic civic amenities like sanitation and sufficient electricity.

The Lake, the primary source of livelihood.

For fishermen and traders, there is an annual tender process in which the government awards contracts to market the produce.

Temple

Tea Shop

Agricultural lands of the dominant caste

The houses of the dominant caste community with all facilities, including roads, a sewer system and electricity.

BESIDE THE LAKE, A VISIBLY ENRAGED SHIVARAMAIAH IS SPEAKING WITH HIS GANG.

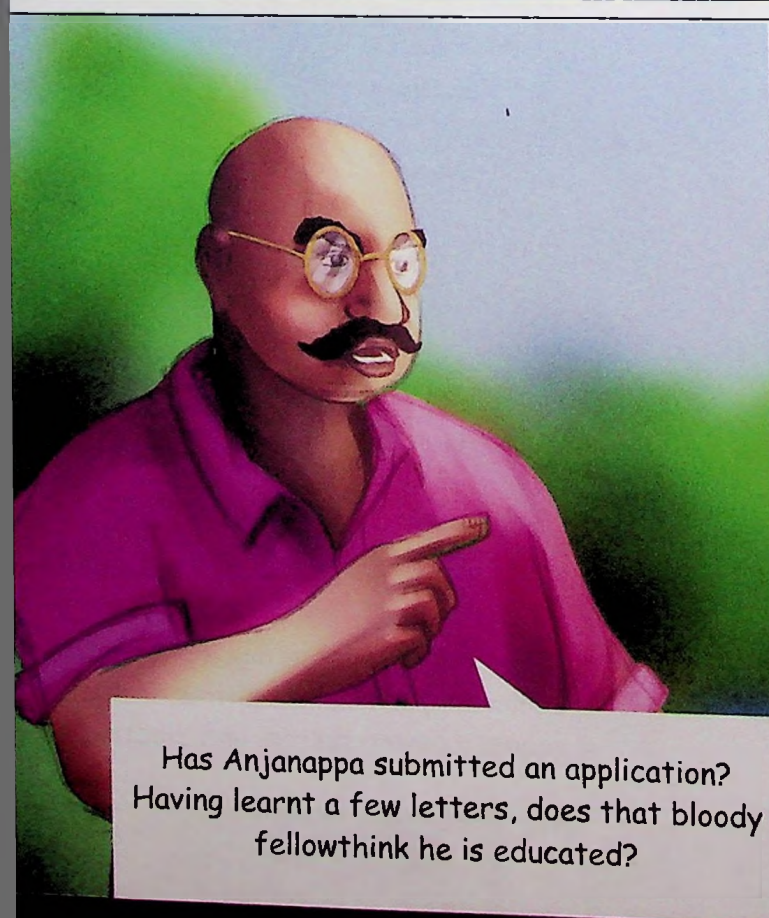
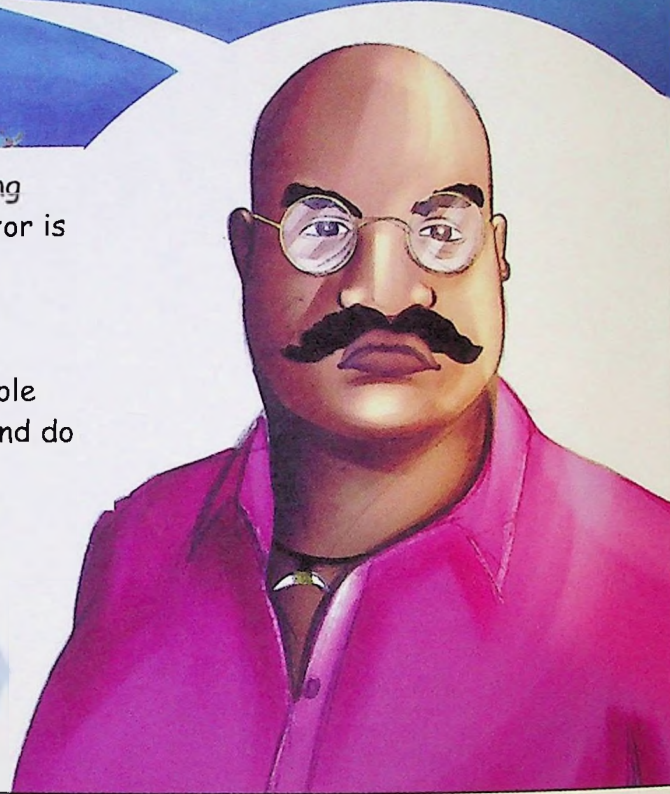


The date for the annual tender for the fishing contract has been announced. I hear this Collector is accepting applications from everyone.

Has the government no sense?!

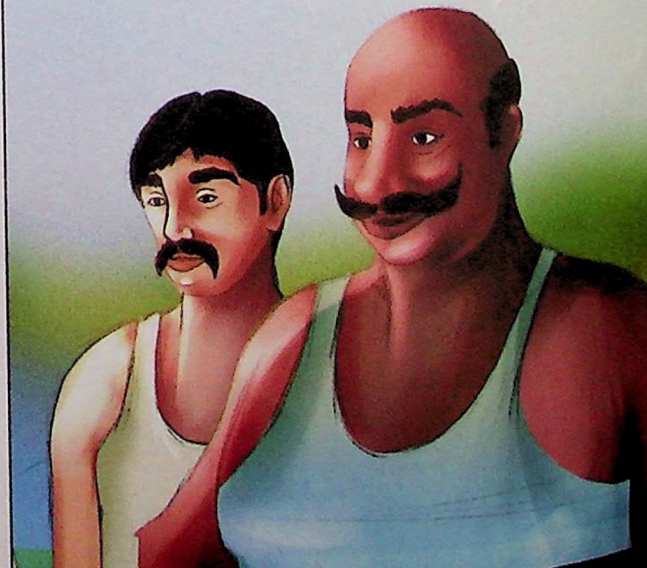
It is including all these low caste scums!

If we allow a single termite, we will have a whole colony of them. Are we supposed to keep quiet and do nothing?!



Has Anjanappa submitted an application? Having learnt a few letters, does that bloody fellow think he is educated?

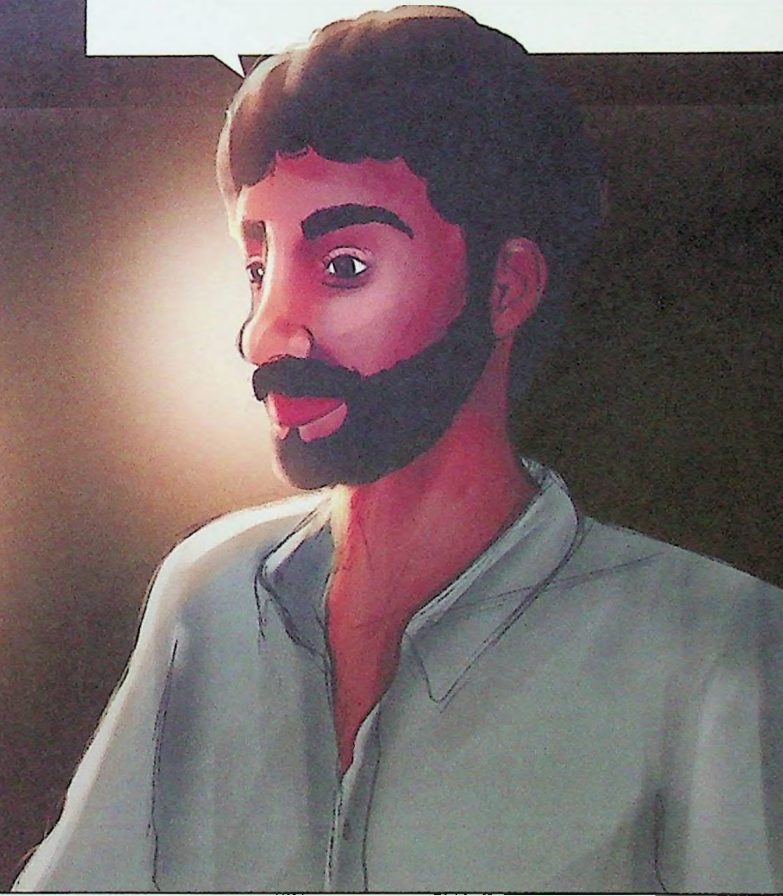
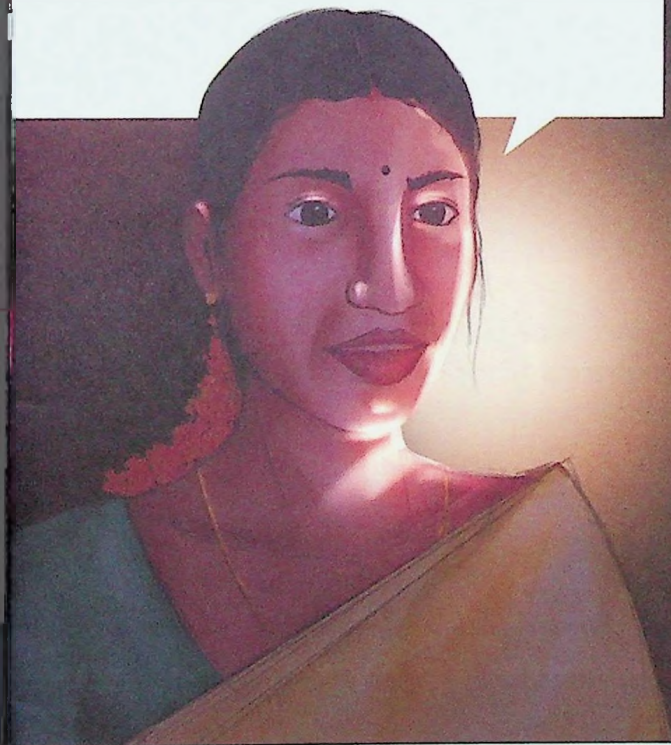
Yes boss! Someone told me about it. There are rumours that he will win this year's tender. But why are you worried, Sir? We will not just sit idly and do nothing! There will be a fight!



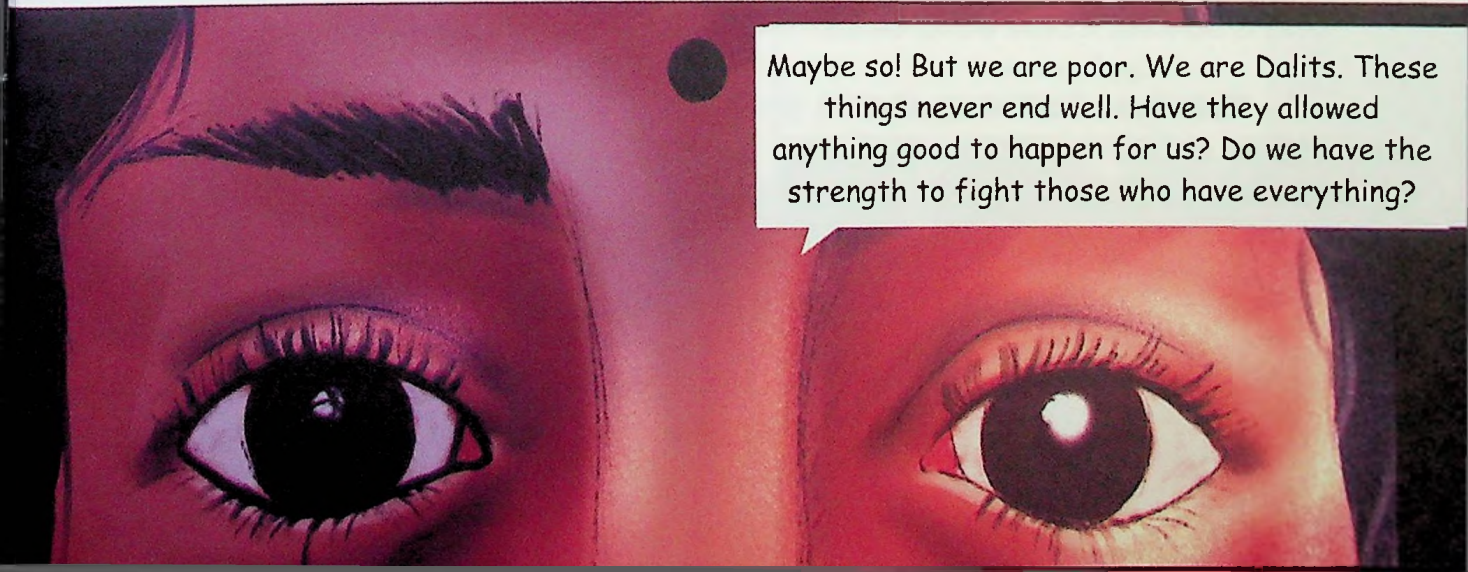
ANJANAPPA AND HIS WIFE, SAROJA, RETURN HOME, TIRED FROM THE DAY'S WORK.

I am afraid, Anji. Do we really want this?
Have you forgotten what they did to Jayamma's husband, just because he set up a tea shop? They put that entire family on the street, Anji!


Saroja, anyone, irrespective of their caste, can apply. What the upper castes want does not matter. Just imagine! What if we are awarded the tender? How much better our life will be!



Maybe so! But we are poor. We are Dalits. These things never end well. Have they allowed anything good to happen for us? Do we have the strength to fight those who have everything?

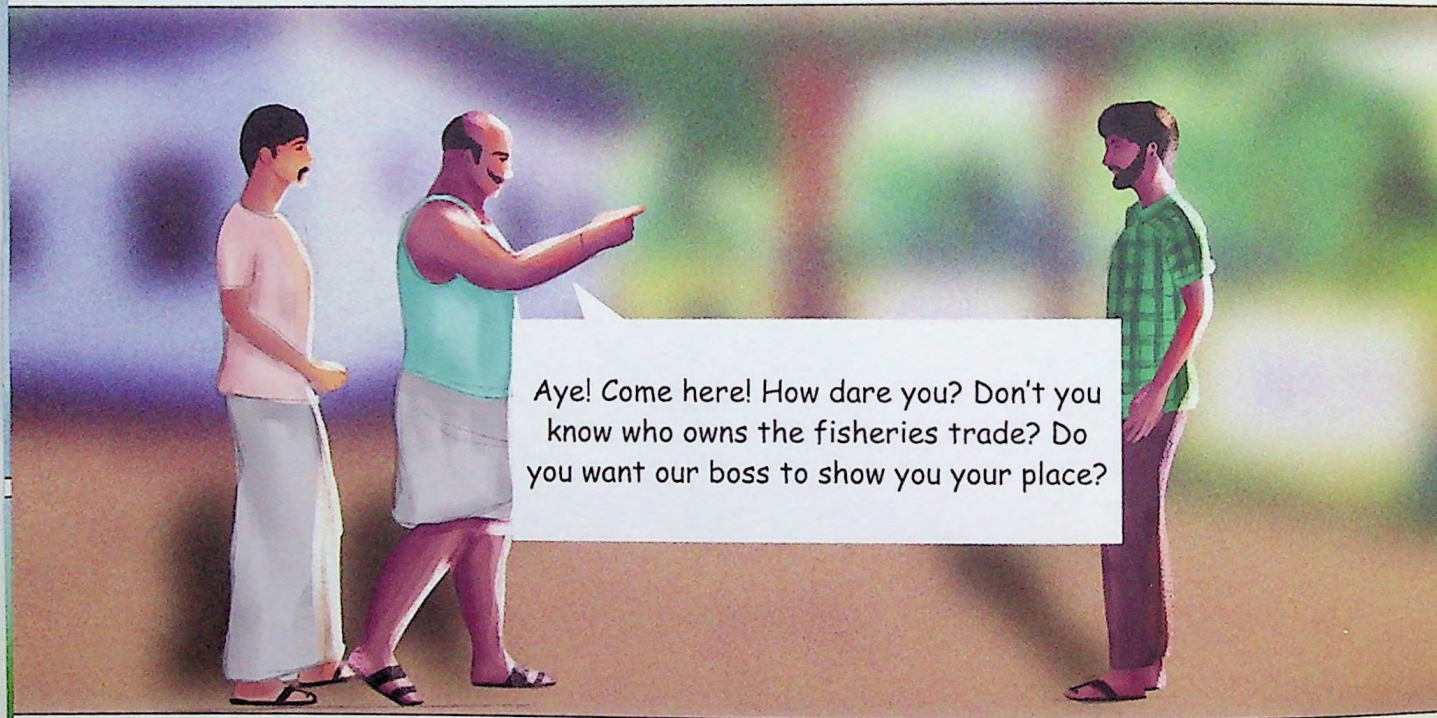


NINGAPPA, ONE OF SHIVARAMAIAH'S HENCHMEN, SEES ANJANAPPA TALKING TO A GOVERNMENT OFFICIAL IN THE TALUK OFFICE.

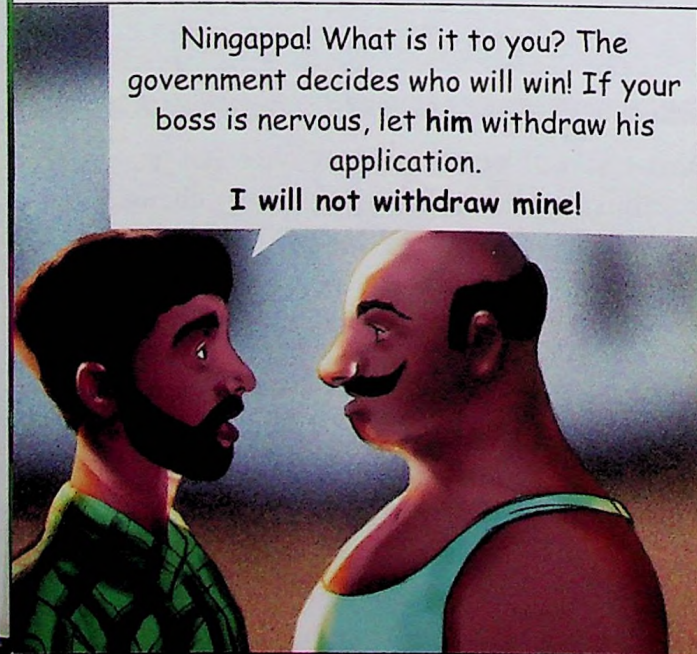


Thank you for receiving my application, Sir.

Don't thank me, Anjanappa! It is the first time we have received an application from your community! Good work!

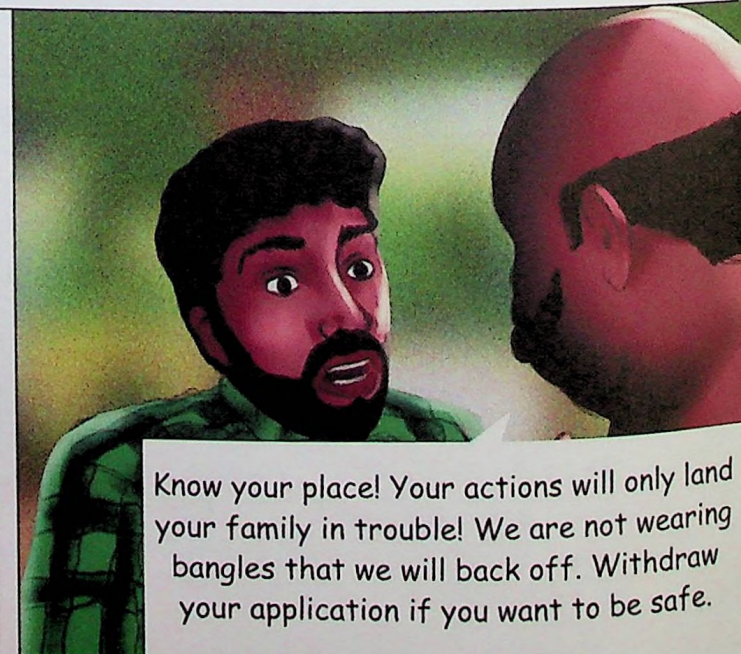


Aye! Come here! How dare you? Don't you know who owns the fisheries trade? Do you want our boss to show you your place?

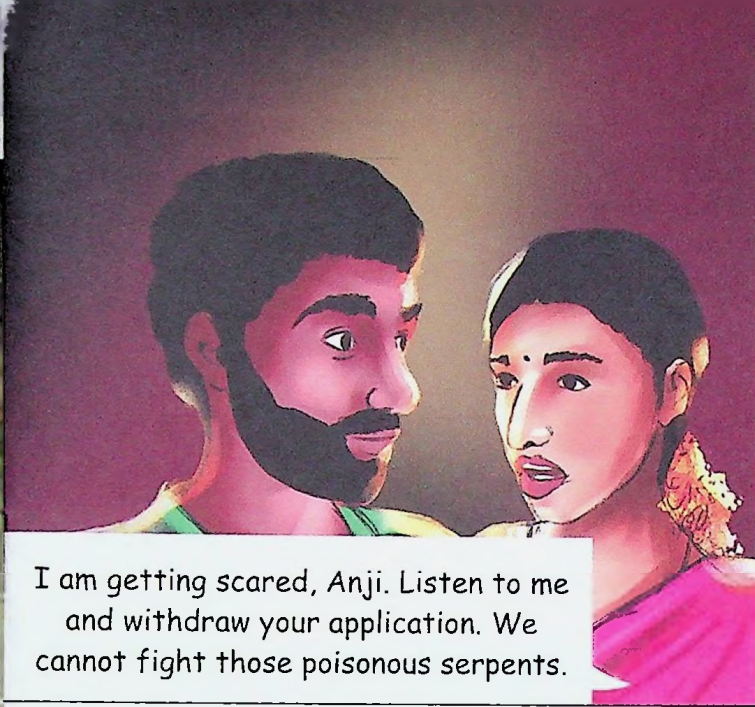


Ningappa! What is it to you? The government decides who will win! If your boss is nervous, let him withdraw his application.

I will not withdraw mine!

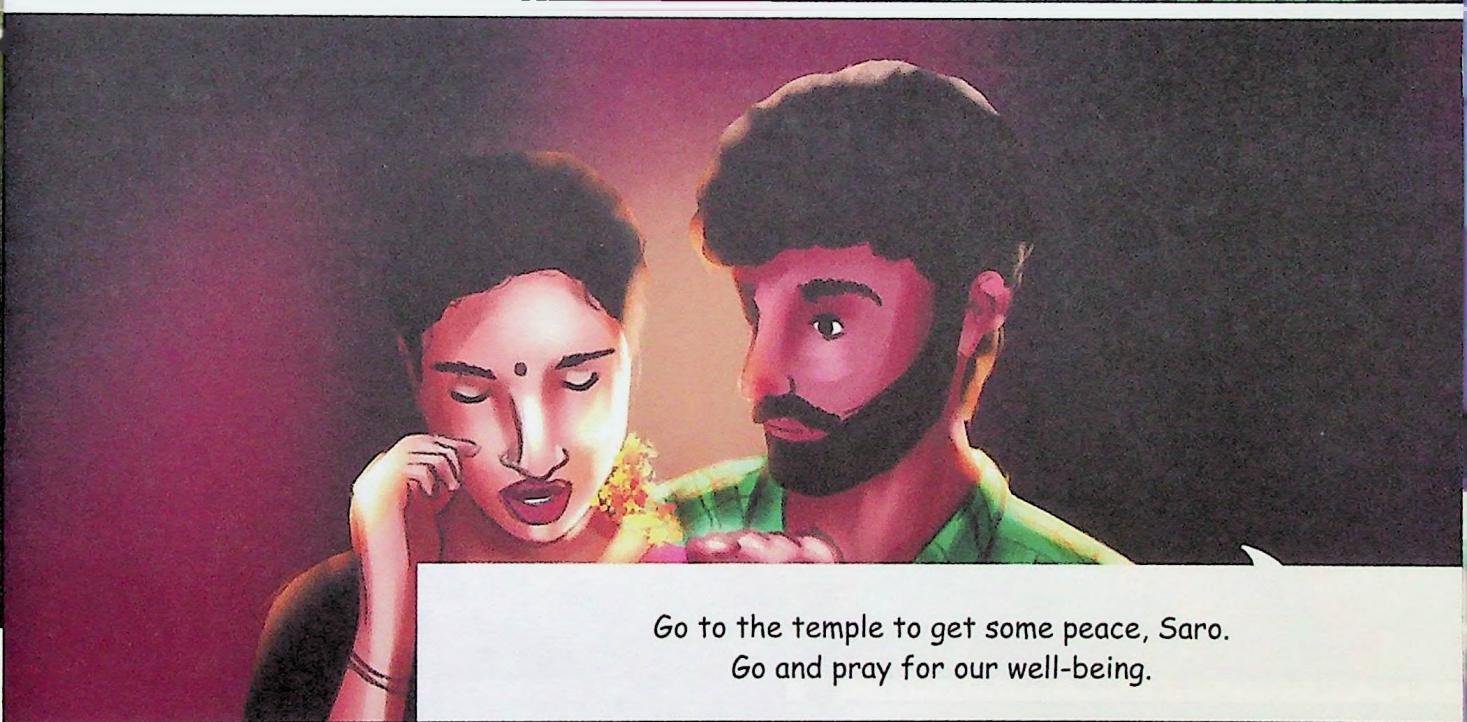
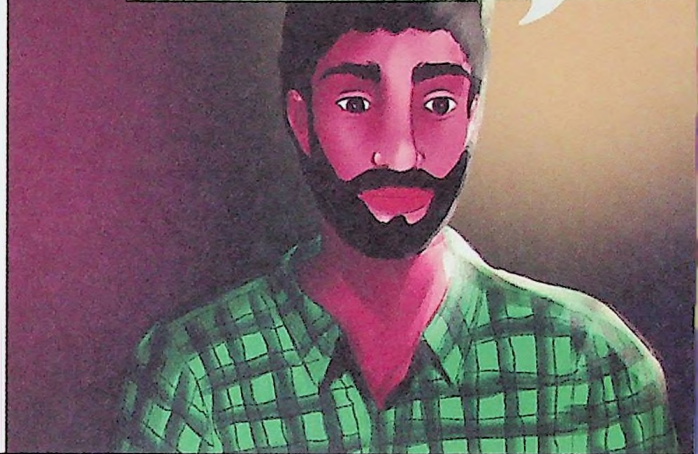


Know your place! Your actions will only land your family in trouble! We are not wearing bangles that we will back off. Withdraw your application if you want to be safe.

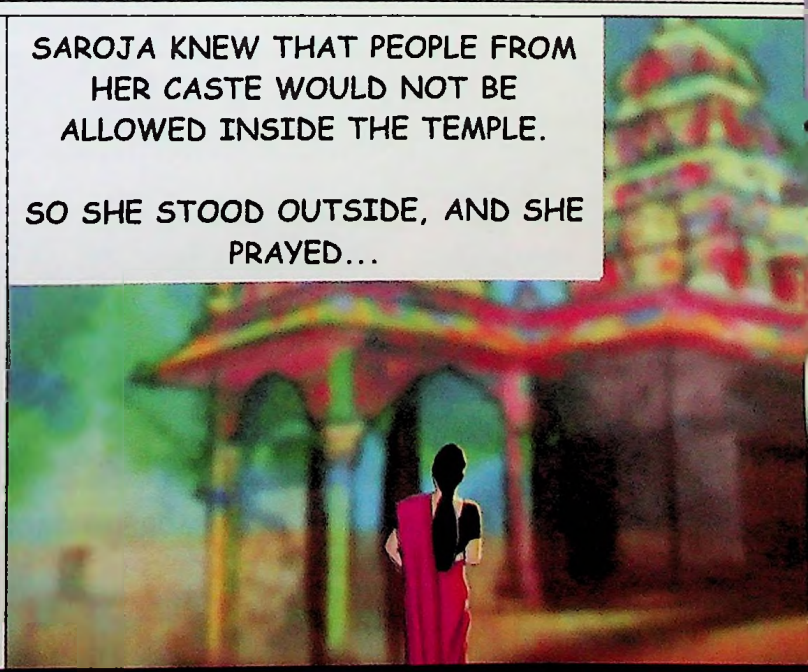


I am getting scared, Anji. Listen to me and withdraw your application. We cannot fight those poisonous serpents.

What nonsense, Saro! The government can choose whom they wish to award the tender. Have we committed any crime to be afraid? Are we not equal citizens too?



Go to the temple to get some peace, Saro. Go and pray for our well-being.



SAROJA KNEW THAT PEOPLE FROM HER CASTE WOULD NOT BE ALLOWED INSIDE THE TEMPLE. SO SHE STOOD OUTSIDE, AND SHE PRAYED...

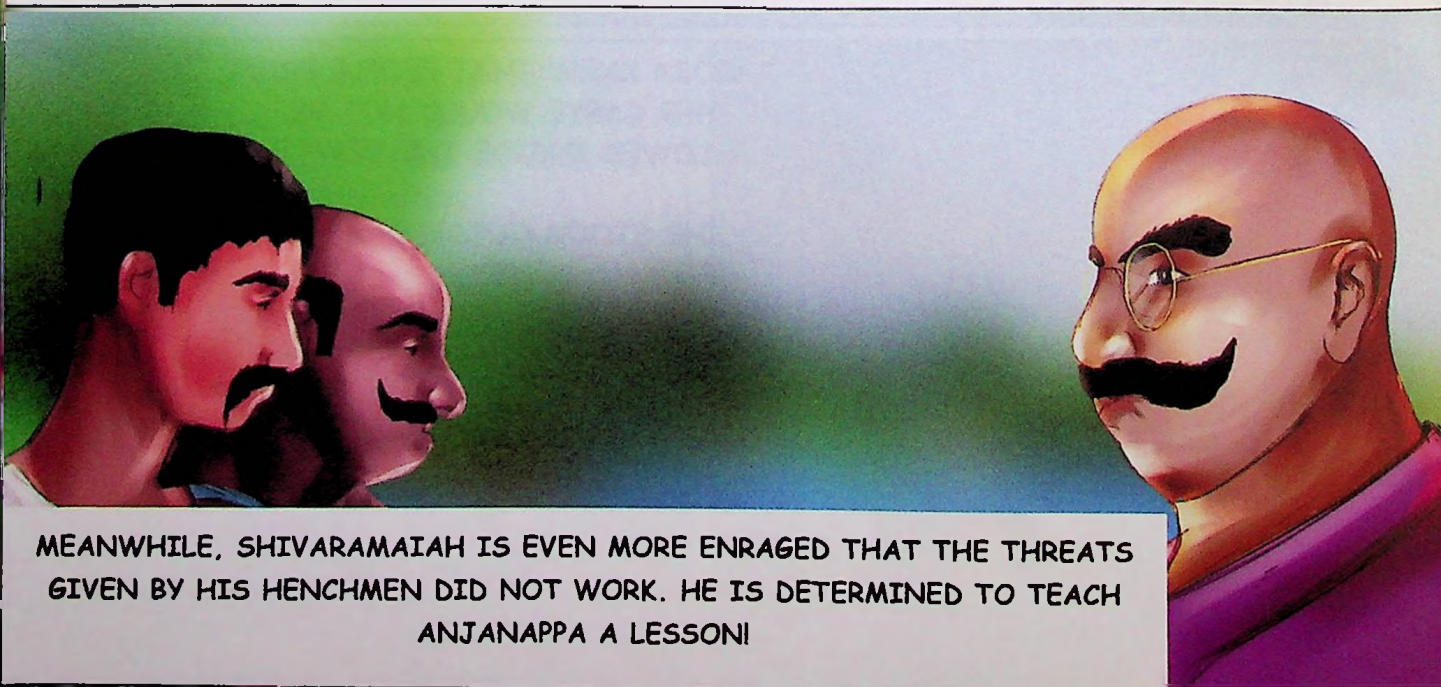
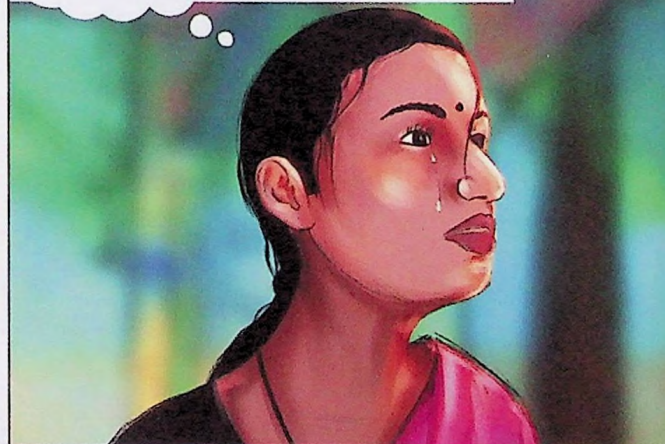
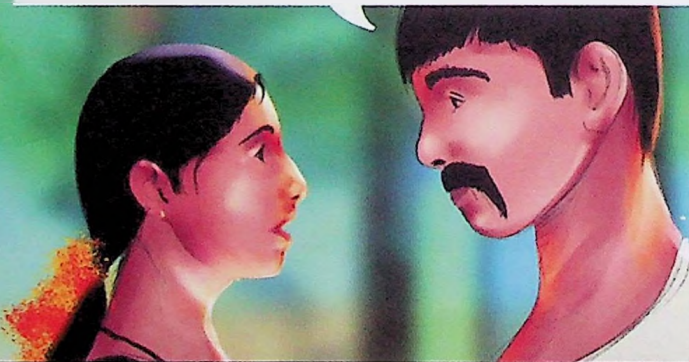
*In the name of God,
we were cheated.*

*We will counter every injustice,
We will strike back.*

*- paragraph from a poem by
Dr. Siddalingaiah*

Oho! You pit yourself against the mighty Shivaramaiah and yet here you are - bold enough to come to the temple he has built. The audacity! Where is that husband of yours?

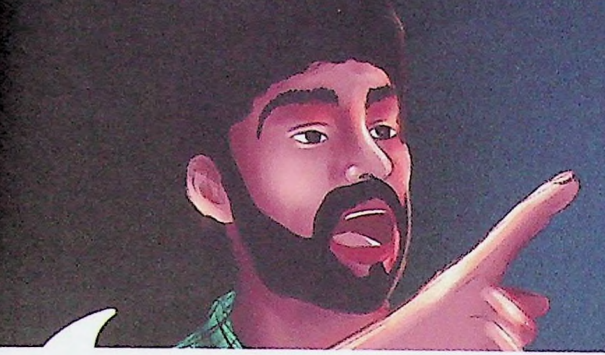
Dear lord inside the temple! Please save people like us who live outside the village!



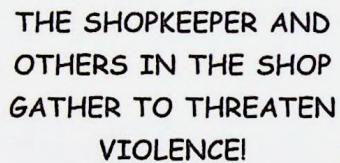
MEANWHILE, SHIVARAMAIAH IS EVEN MORE ENRAGED THAT THE THREATS GIVEN BY HIS HENCHMEN DID NOT WORK. HE IS DETERMINED TO TEACH ANJANAPPA A LESSON!

ANJANAPPA GOES TO HAVE A CUP OF TEA.


If you do not stay in your place, forget tea! You will not even get a glass of water here!



It has been more than half an hour since I ordered the tea. Just because I have submitted the tender, you are making me wait, aren't you?



THE SHOPKEEPER AND OTHERS IN THE SHOP GATHER TO THREATEN VIOLENCE!

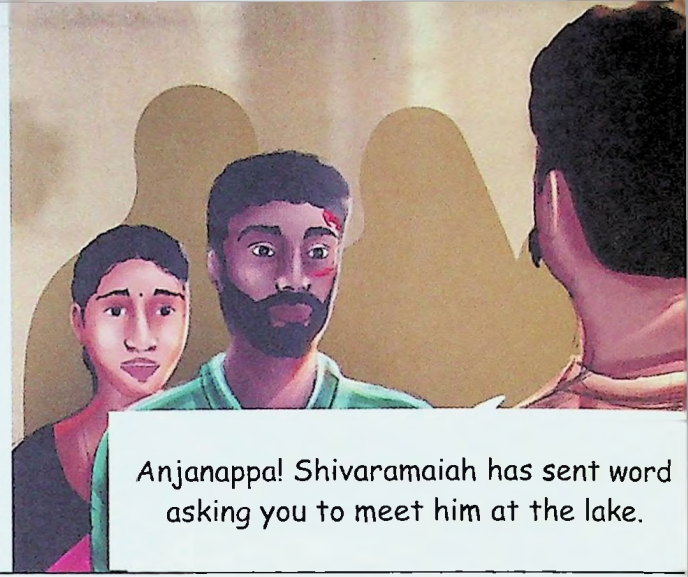


How much more of this humiliation can we Dalits suffer? Beware! Let me get this year's tender and I shall teach you all a lesson.

UNFORTUNATELY, ANJANAPPA WAS BEATEN BY MANY PEOPLE IN THE SHOP.

HE SUSTAINED SEVERAL INJURIES.

Anji! Everyone is only wanting to stamp us out. Look what happened to you! I begged of you not to go for the tender.



Anjanappa! Shivaramaiah has sent word asking you to meet him at the lake.

Go ahead! I will come. What do they think? That I will be frightened into withdrawing my tender if we are not allowed inside the temple and are refused tea?



Please don't go, Anji. I don't have a good feeling about this.

Oh, Saro! Don't be. So what if he is a rich landlord. I am not afraid. I will come back home by dinner time.



NIGHT HAS DESCENDED. A STRANGER IS HEARD BANGING ON SAROJA'S DOOR.



Come quick! Those goons of Shivaramaiah have beaten your husband unconscious and he is lying there in that barren field.

That rogue took your husband to see Shivaramaiah and now see what has befallen you!

You get your just desserts if you meddle in matters that are not your concern...is it a joke to pit oneself against Shivaramaiah?

ANJI! What happened?! Who did this to you?!

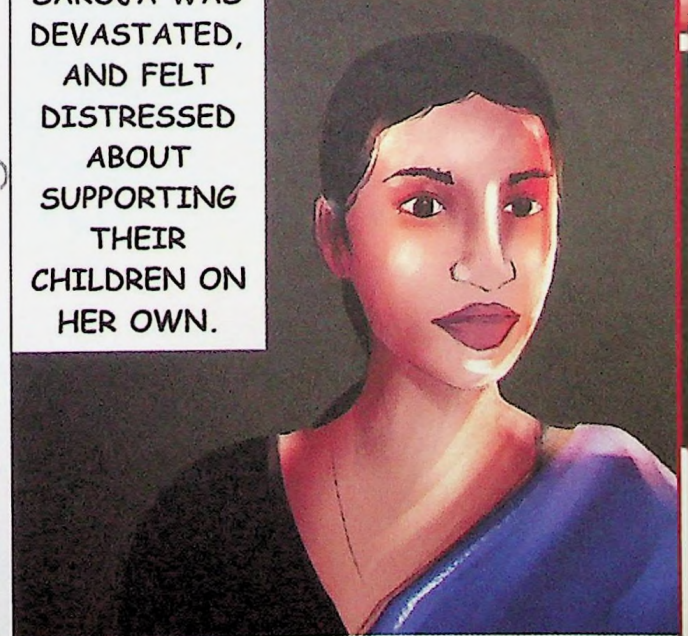
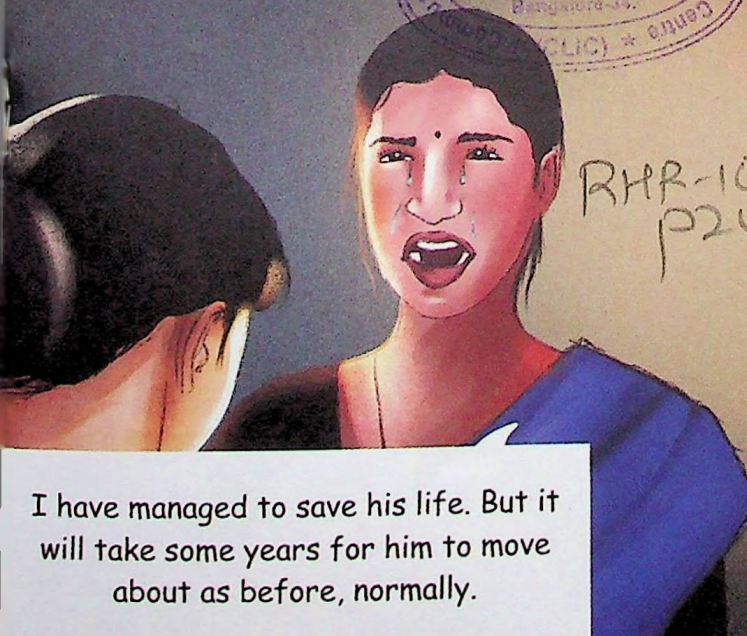


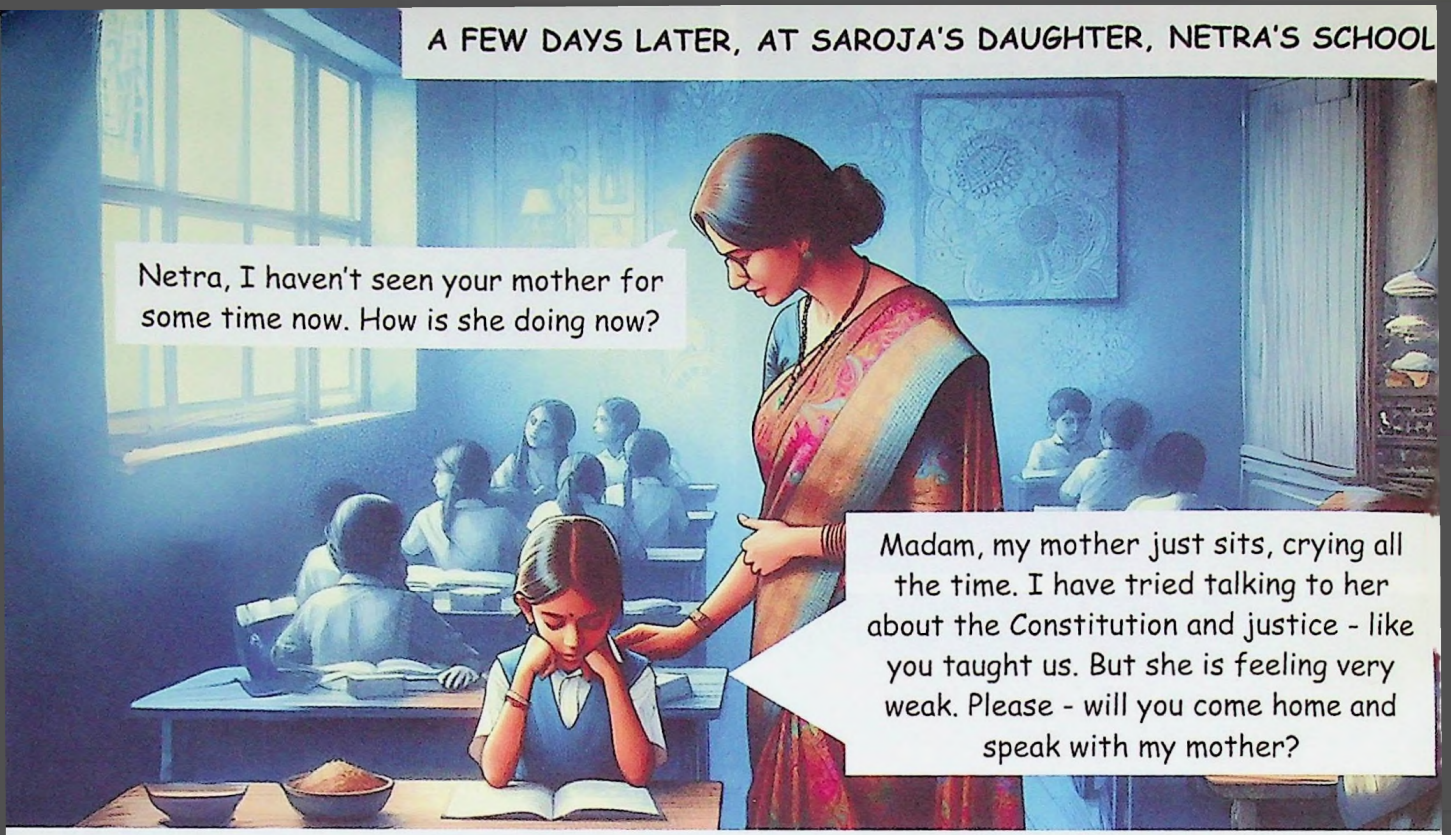
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P24

SAROJA WAS DEVASTATED, AND FELT DISTRESSED ABOUT SUPPORTING THEIR CHILDREN ON HER OWN.

I have managed to save his life. But it will take some years for him to move about as before, normally.





Netra, I haven't seen your mother for some time now. How is she doing now?

Madam, my mother just sits, crying all the time. I have tried talking to her about the Constitution and justice - like you taught us. But she is feeling very weak. Please - will you come home and speak with my mother?

Saroja, what will you achieve by simply brooding like this? Given the humiliations we, Dalits have suffered, is this anything new? What happens to your children if you lose courage like this? Why don't you give a complaint, Saroja?

THE TEACHER VISITS SAROJA, TO CONSOLE HER.

Madam, tell me, how can I go knocking at the doors of the police and the court when even to provide one meal has become an enormous burden. If I can somehow manage to support my children, I would be more than relieved.

Haven't you heard my story? They harassed me for the simple reason that I taught the children of the upper castes. I wanted to give up my job but I took courage from the affection that the children showered on me. The law was on my side and I have been able to retain my job!



Saroja, your story is that of many. According to the NCRB, everyday, people belonging to SC/ST communities experience this kind of violence.

- Two Dalits are killed everyday.
- Once in every 4 hours, a Dalit woman is raped.
- Once in every 2 hours, violence is perpetrated on a Dalit.
- Every month, the homes and properties of nearly 18 Dalits are burnt to the ground.
- Every week, 11 Dalits are kidnapped.

The SC/ST Atrocities Act (1989) was legislated to address these crimes.

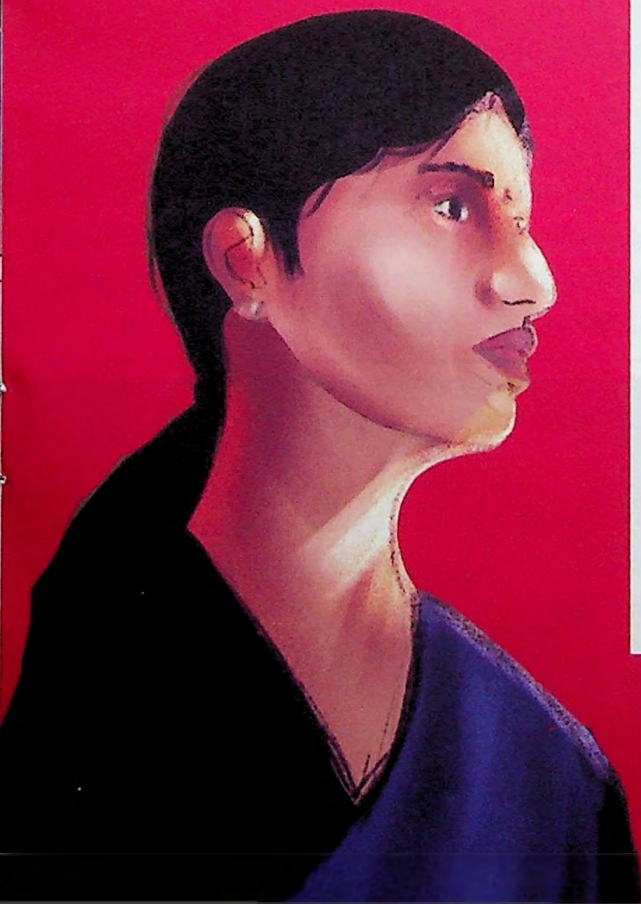
Any crime committed on the SC/ST community by anyone not belonging to that community will be arrested immediately under this act. The Act is in our favour with regard to crimes such as Rape, destruction of property, murder, robbery, abuse etc.

Once a complaint is registered, the government offers financial support and other help to the victims so that the family members need not live in fear or beg others for help. Apart from this, the complainant is provided with around the clock security.

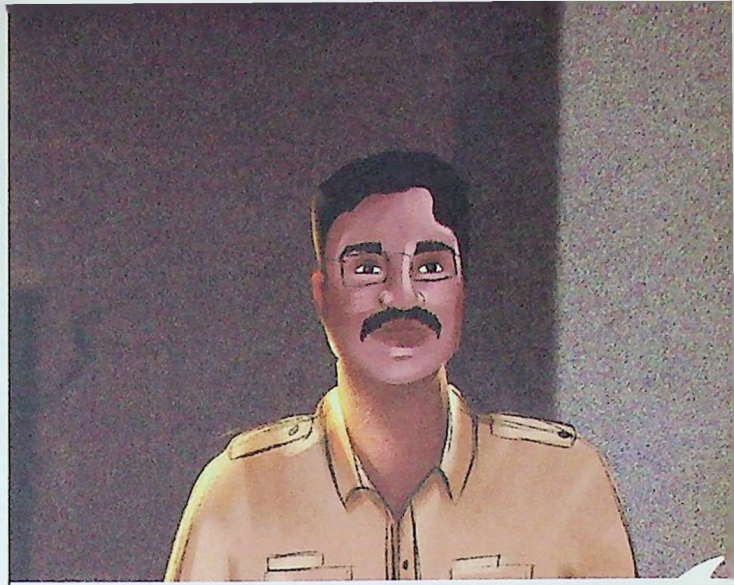
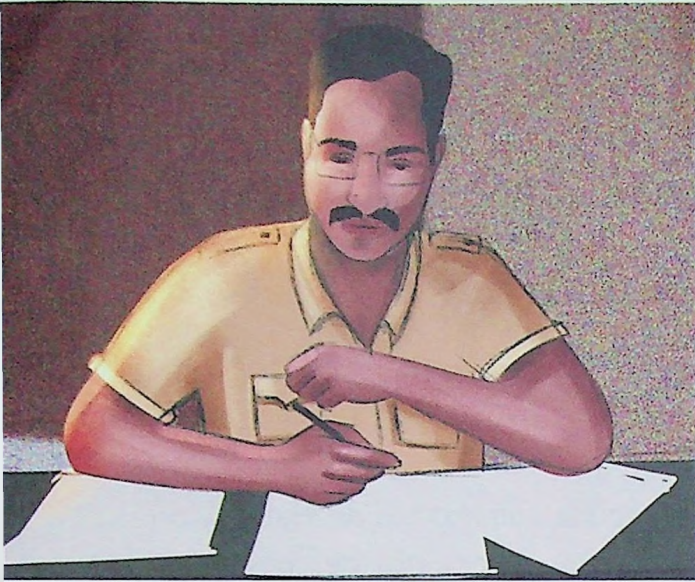
The aim of the Act is to promote equality and a life of dignity for SC/ST communities and ensure that they are able to avail all rights as is available to other citizens of this country.

The Act will help you get justice for the violence perpetrated against your husband and the tragedy that has befallen upon your family.

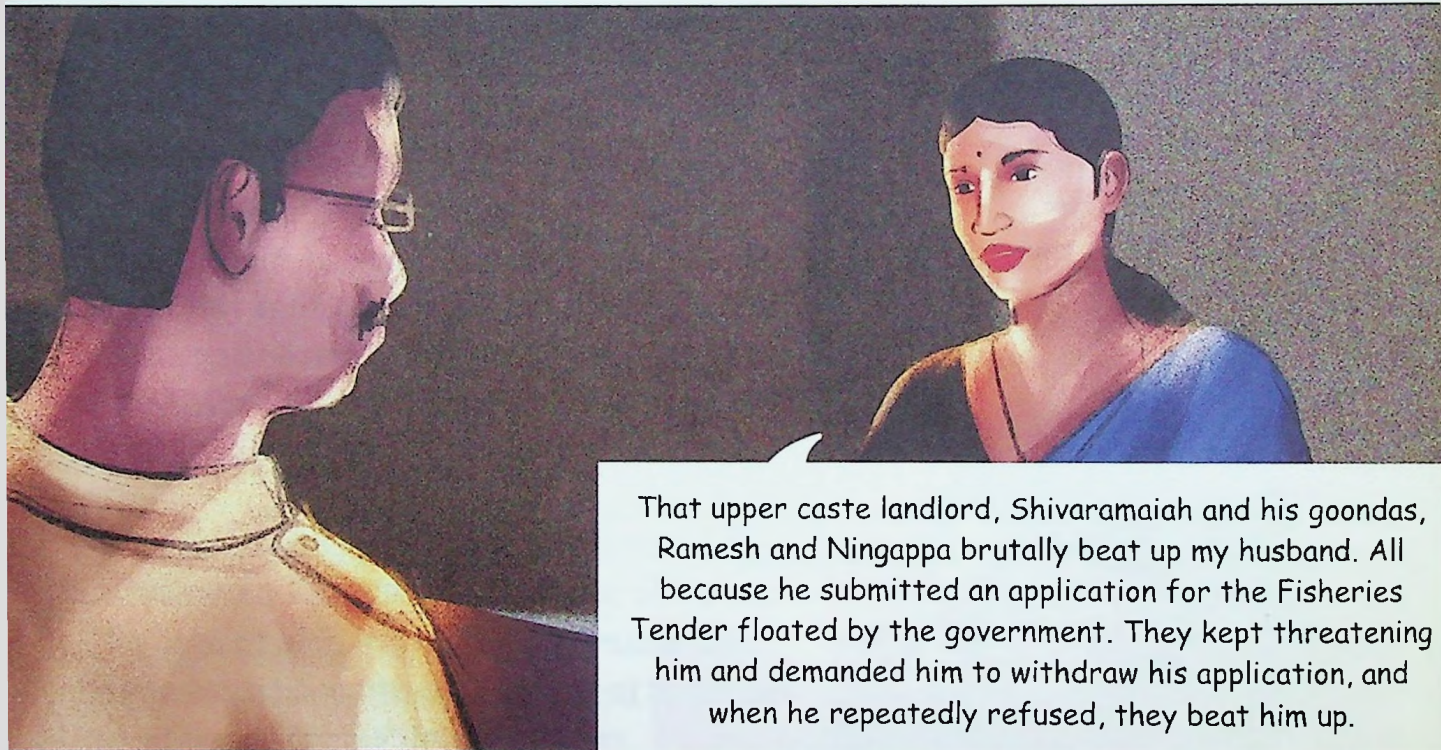
I had no idea! If the law is in our favour, why should we tolerate such crimes?



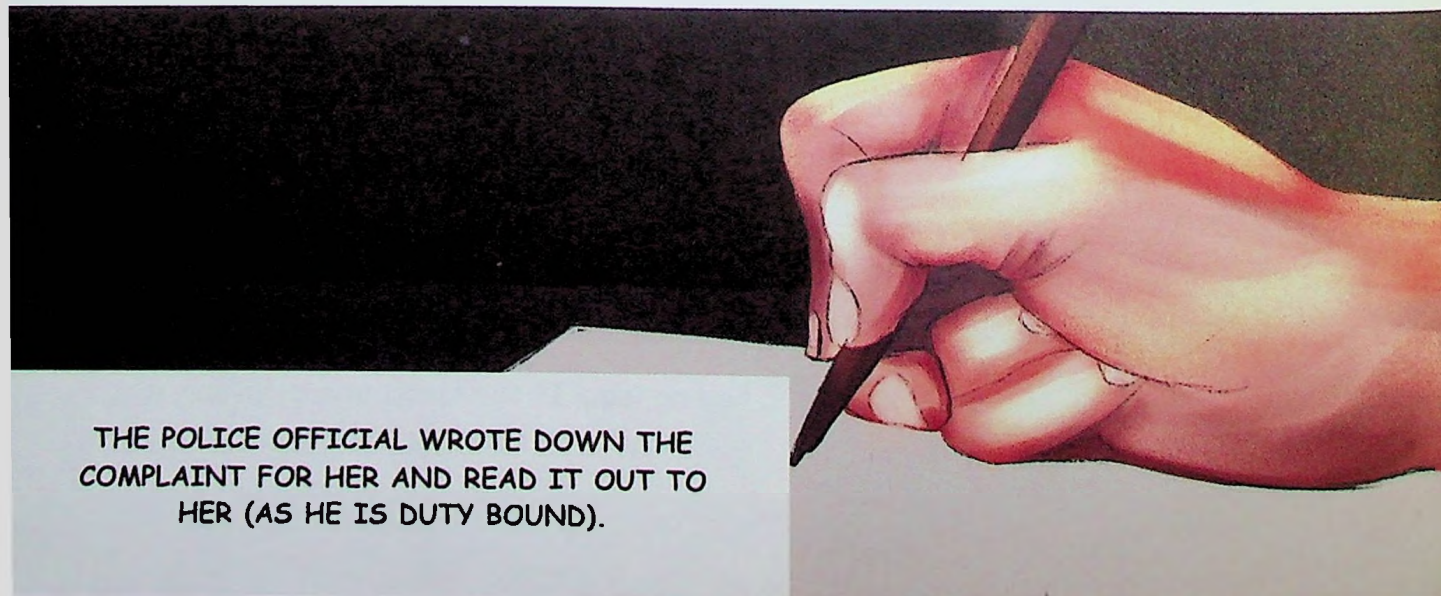
SAROJA WENT TO THE POLICE STATION
THE NEXT DAY.



Namaste, sir. I want to file a police complaint
under the SC/ST Atrocities Act!

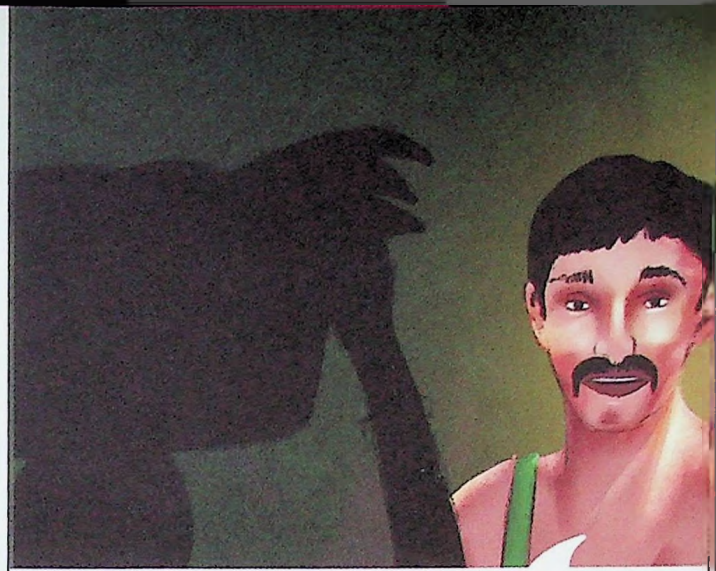


That upper caste landlord, Shivaramaiah and his goondas,
Ramesh and Ningappa brutally beat up my husband. All
because he submitted an application for the Fisheries
Tender floated by the government. They kept threatening
him and demanded him to withdraw his application, and
when he repeatedly refused, they beat him up.



THE POLICE OFFICIAL WROTE DOWN THE
COMPLAINT FOR HER AND READ IT OUT TO
HER (AS HE IS DUTY BOUND).

SAROJA ON HER WAY TO CONDUCT HER DAILY BUSINESS IS STOPPED BY RAMESHA, ONE OF SHIVARAMAIAH'S GOONS.



I hear you have filed a police complaint? I understand your sorrow and the hardships that you are suffering.

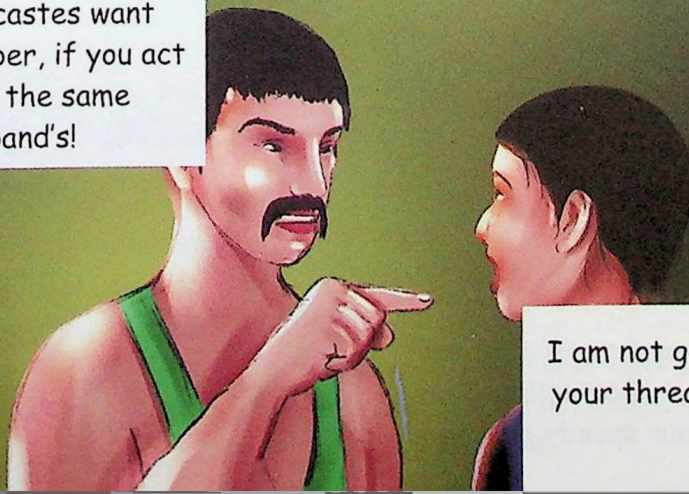
Here, take this money for now. You will need it. You have children. If you need more don't hesitate to ask me! I will help.



This is as good as a fox helping a rabbit! I don't need your money. I believe I will get justice from the police, law and the government.



I just felt sorry for you! But apparently even lower castes want justice now! Just remember, if you act smart you will suffer the same fate as your husband's!

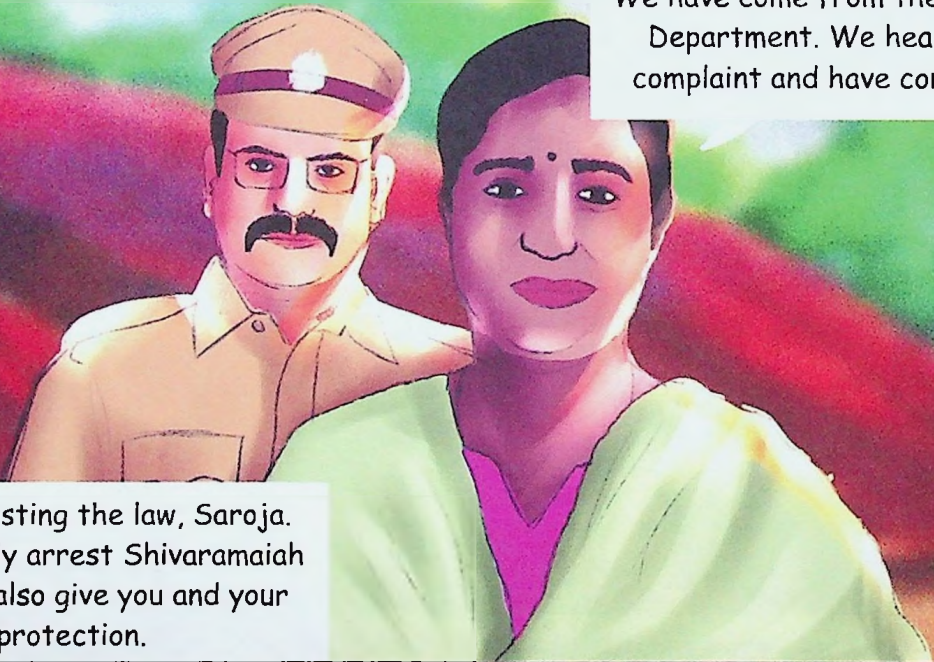


I am not going to be cowed down by all your threats. The law is in our favour! So get lost!

A FEW DAYS LATER, A GOVERNMENT VEHICLE COMES TO HER HOUSE AND FEW OFFICIALS STEP OUT AND TALK TO HER.



We have come from the Social Welfare Department. We heard about your complaint and have come to help you.

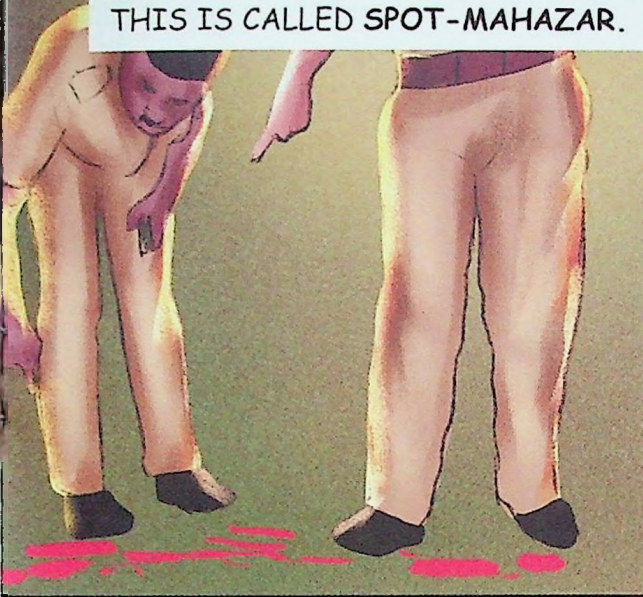


Thank you for trusting the law, Saroja. We will immediately arrest Shivaramaiah and his men, and also give you and your family protection.

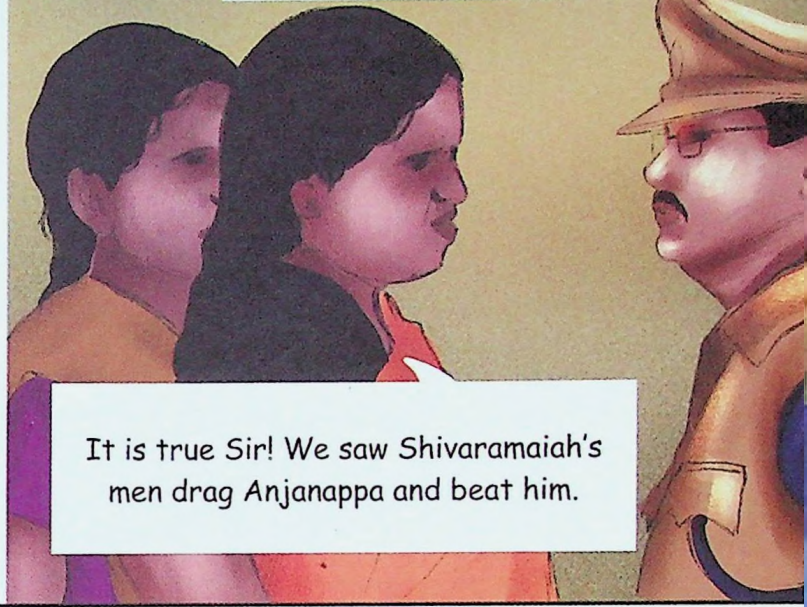
Oh! I am glad. I had thought that my complaint will land in the dustbin. I am very grateful for your speedy response.

No Saroja. There will be no delay. Your decision is commendable. And we will give you legal aid as well as financial support for your family's sustenance.

THE POLICE CONDUCTED AN INVESTIGATION IN THE SCENE OF THE CRIME TO GATHER EVIDENCE. THIS IS CALLED SPOT-MAHAZAR.



THEY ALSO TAKE WITNESS STATEMENTS BASED ON SAROJA'S COMPLAINT.



It is true Sir! We saw Shivaramaiah's men drag Anjanappa and beat him.



ACCORDING TO THE SC/ST ATROCITIES ACT, THE ACCUSED NAMED IN THE COMPLAINT HAVE TO BE ARRESTED IMMEDIATELY AND PRODUCED BEFORE THE SPECIAL COURT.

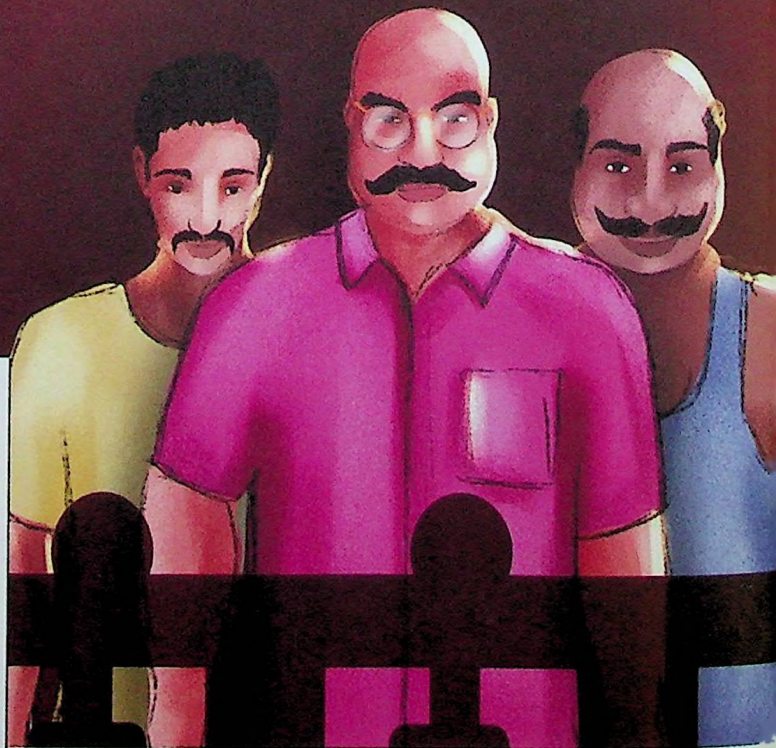
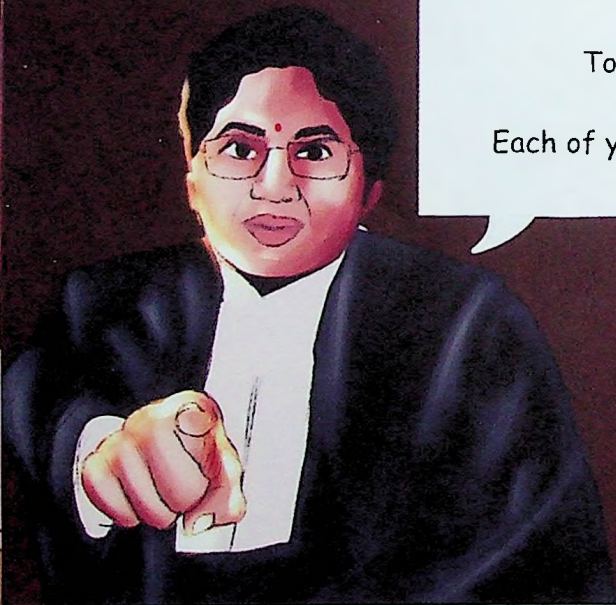
IN THE SPECIAL COURT AFTER
THE TRIAL IS COMPLETED:



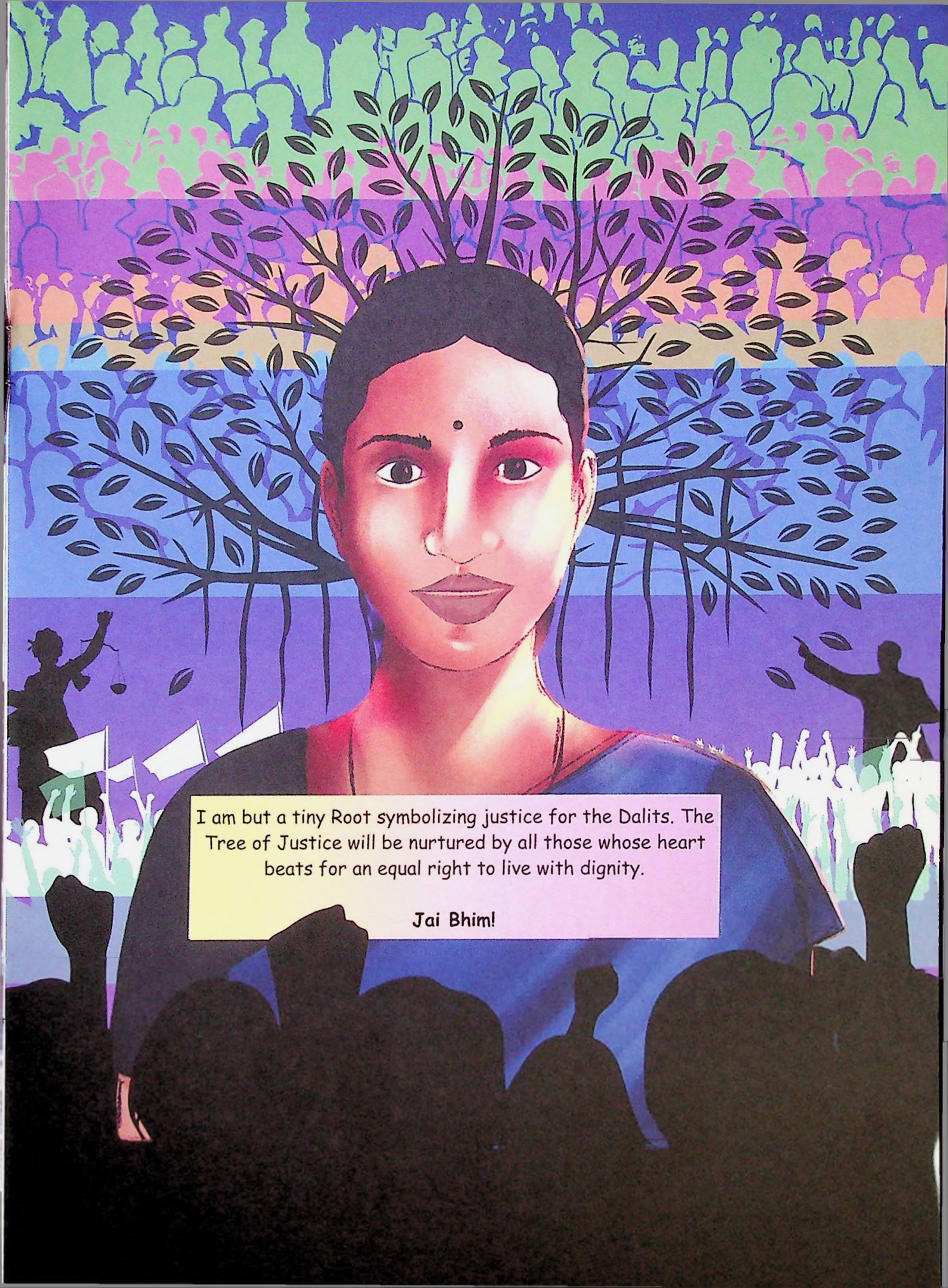
You committed such a heinous crime - all for your caste pride? Don't you know that it is the same blood that courses through all human beings?

Today, no upper caste can get away with such crimes.

Each of you are hereby sentenced to 10 years in jail with a fine of Rs.25,000!



Ms. Saroja, Thank you for believing in the judicial process. Let your action be a guiding light for Dalits everywhere. And let it be possible for all to get justice under the SC/ST Atrocities Act.



I am but a tiny Root symbolizing justice for the Dalits. The Tree of Justice will be nurtured by all those whose heart beats for an equal right to live with dignity.

Jai Bhim!

How you can use the SC/ST Atrocities Act

A set of 3 posters available on www.altlawforum.org

This is one of the most significant legislations that protects Scheduled Castes and Scheduled Tribes. Atrocities based on their caste is a lived reality for most of India's SC and ST communities. This set of 3 posters, available in English and Kannada, are meant to spread awareness and enable citizens to file a complaint and pursue justice in case of a caste atrocity. Print them out for your workspaces or download and share with your organisation to ensure that this information is easily accessible to more people.

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

(Referred to as 'Atrocities Act' in short)

What is an atrocity?

The Atrocities Act lists specific crimes committed against persons belonging to SC/ST communities by persons belonging to such SC/ST communities as atrocities.

37 The offences under this Act include assault, kidnapping, abduction, extortion, rape, sexual harassment, sexual abuse and sexual assault, and murder.

Complaint and FIR

When an atrocity is committed, a complaint must be lodged at the local police station by the victim/family concerned. The police must immediately register an FIR.

- Do not delay - document the crime as best and as soon as possible.
- Make sure you sign the complaint and that you obtain the copy of the FIR.

Arrest and protection

The Police must immediately arrest the accused and register an FIR under the Act. Even if a regular bail notice issued mandatorily be issued to the complainant/victim.

The police must ensure necessary protection to the complainant/victim and other witnesses (including the family members) of the complainant/victim.

Relief and Investigation

The police will then conduct a spot investigation and obtain statements from witnesses. The Deputy Commissioner and the Social Welfare Department must arrange for immediate relief to be provided to the victim and their family.

Immediate relief must be provided in cash or kind to the victim and their dependants.

Special courts

In order to ensure a speedy trial, the government must set-up a special court to try offences under the Act in each district.

The police must ensure that the complainant/victim and other witnesses are protected from any further harm.

Contents of a complaint in an atrocity case

First Information Report (FIR)

An FIR sets the investigation of a case in motion. It will be registered on the basis of a complaint lodged at a local police station or based on a private complaint submitted to a special court set-up under the atrocities act.

- Who?**

The person giving the information, the victim, the accused and the witnesses.

For each of them - their name, nickname, middle name, surname, father's name, age, gender, address, caste, religion, occupation, physical description of the accused (when names unknown).
- What?**

What is the incident?

Details of the incident should be recorded minutely as explained below.
- Why?**

What was the motive?

May include any relevant background, details of past harassment. No baseless allegations should be made.
- How?**

How was the atrocity committed?

The kind of abuse which took place - verbal/physical, weapons used, if any, property damaged, if any, vehicles used, if any, worst actions of each of the accused etc.
- Where?**

Where did the incident happen?

The place of incident - the village, taluk and district should be noted along with schedule of the place. Any landmarks for identification of the spot and local name of the place should be noted.
- When?**

When was the offence committed?

The date, month, year, the time of the day. If the person is not sure then s/he should be asked to describe the time. Certain points of reference could be used e.g. reference to the weekly bazaar, festival etc.

As far as possible, the victim/their family members should go to the police station to lodge the complaint. If this is not possible a concerned citizen who is a witness can report the offence.

Based on the complaint made the police officials are duty bound to register an FIR under appropriate sections of the Atrocities Act and the Indian Penal Code. The police must give a copy of the FIR to the complainant immediately and without any cost. They must do so even if the complainant does not ask for the FIR.

Responsibilities of different authorities in responding to a caste atrocity

Circle Inspector/ Sub-Inspector

The Police (Circle Inspector/Sub-inspector) must register an FIR after receiving the complaint (either orally or in written) about the atrocity. Investigation must be undertaken by an officer not below the rank of Deputy Superintendent of Police.

District Magistrate(DM) / Sub-Divisional Magistrate(SDM)/ Executive Magistrate(EM)

On receiving information of an atrocity, the DM/SDM/EM should visit the spot, assess the impact of the atrocity and submit a report to the government. The person must ensure provision of immediate relief to the victim's family.

Superintendent of Police(SP)

On receiving information of an atrocity, the SP should visit the spot. s/he should ensure that an FIR is registered and appoint an investigation officer not below the rank of Deputy Superintendent. When the local police fails to register an FIR, s/he should direct the registration of an FIR. s/he must also deploy police force in the area where the atrocity occurred and undertake preventive measures.

Deputy Superintendent of Police (DySP)

The DySP should protect the victims of atrocity from any threats. Should conduct the investigation into an atrocity case effectively and submit the chargesheet to court within 60 days.

Special Public Prosecutor (SPP)

The SPP is a lawyer who is appointed by the state government to represent the complainant in an atrocity case. Complainant has a right to choose the lawyer to be appointed as SPP. s/he is responsible for conducting the trial. s/he must provide information about the case to the victim and their dependants. s/he must also provide legal aid to the victim's family and prepare the witnesses, complainant and the victims for the trial.