

CHAPTER-7

CRIME AGAINST PERSONS BELONGING TO SCs / STs

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

Constitutional Rights

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

The problems of social inequality and class divide in a

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

Legal Rights

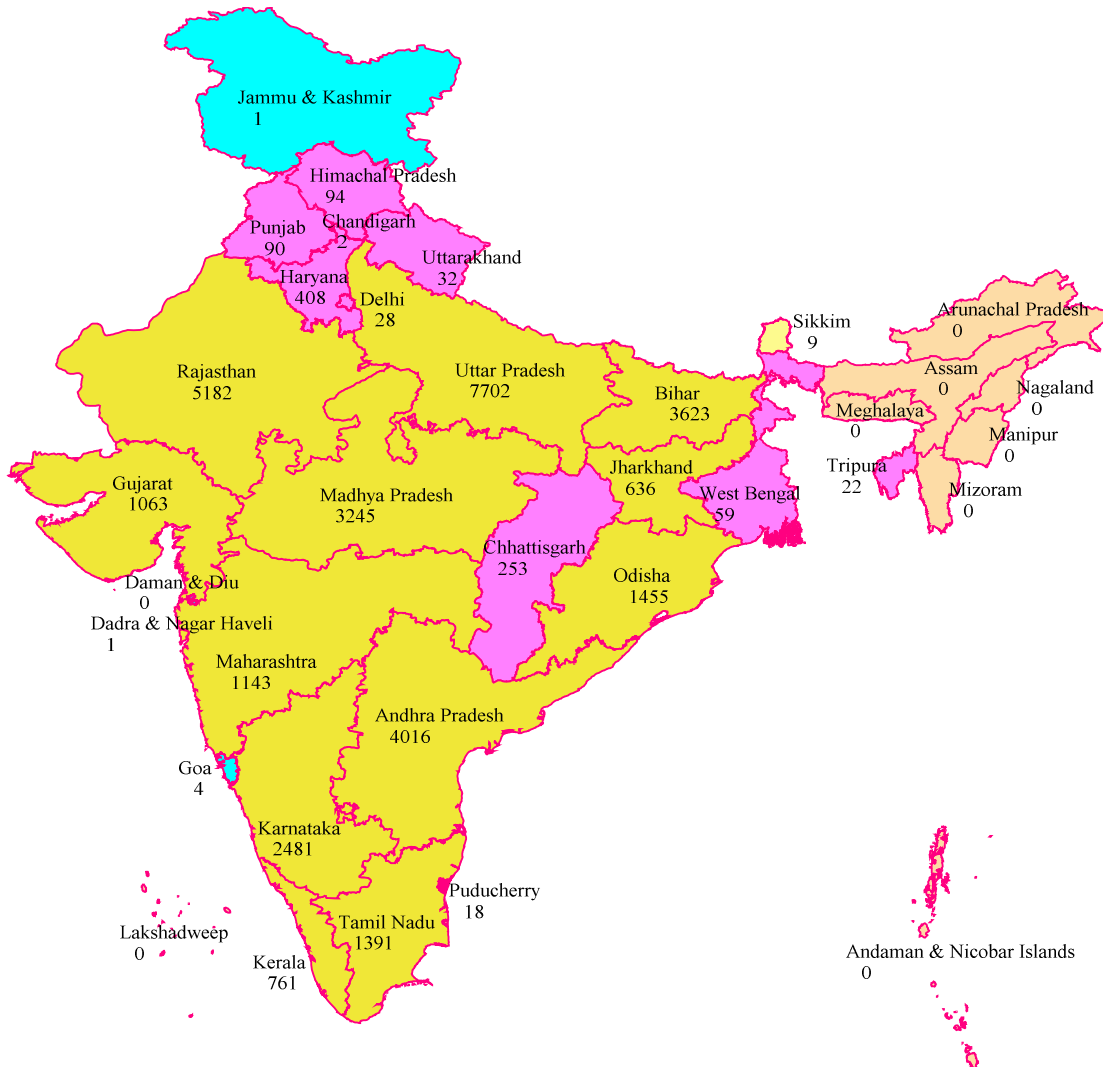
Special social enactments have come into force from time to time for SCs and STs in order to uphold the Constitutional mandate and safeguard the interests of this section of the society.

The major legal enactments at the national level are:

- (i) Protection of Civil Rights Act, 1955;
- (ii) Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989

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

INCIDENCE OF CRIME AGAINST SCHEDULED CASTES DURING 2011 (All India 33719)



Incidence (No. of Cases)



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

Classification of Crimes

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

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

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

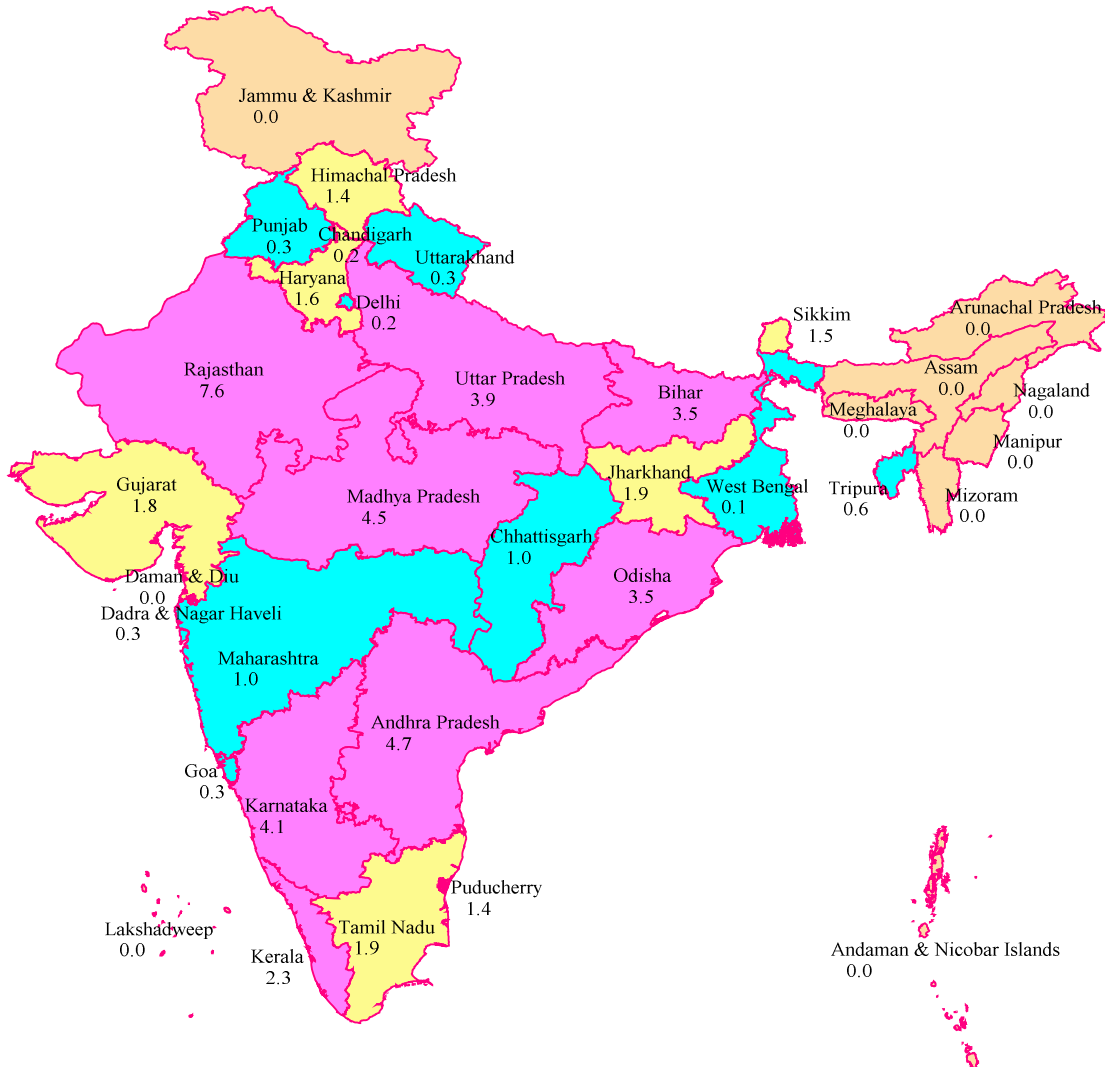
- (i) Protection of Civil Rights Acts, 1955
- (ii) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

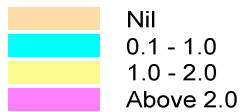
The data on crimes against SCs/STs are being compiled with provision for district-wise reporting of these crimes with effect from the year 2001. Cases under the Protection of Civil Rights Act and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act have been segregated for SCs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

RATE OF CRIME AGAINST SCHEDULED CASTES DURING 2011

(All India 2.8)



Rate of Crime



Note:

Rate of Crime against Scheduled Castes means number of crimes against Scheduled Castes per one lakh population.

Crime Against Scheduled Castes

Incidence of Crime - National (Incidence (IPC+SLL) 33,719)

The year 2011 has witnessed an increase in crime against Scheduled Castes as 33,594 cases reported in the year 2010 have increased to 33,719 cases in the year 2011. This increase was observed in all heads except Dacoity, Robbery and Hurt. The Cases of Murder, Rape, Kidnapping & Abduction and Arson in the year 2011 have increased by 18.1%, 15.4%, 20.5% and 12.7% respectively over the year 2010. On the other hand Dacoity, Robbery and Hurt have shown a decrease of 14.3%, 28.0% and 2.9% respectively during the year 2011 over the year 2010. Uttar Pradesh has accounted for 22.8% (7,702 cases) of the total 33,719 cases reported in the country followed by Rajasthan (15.4%) (5,182 cases), Andhra Pradesh (11.9%) (4,016) and Bihar (10.7%) (3,623).

Crime rate (Crime rate...2.8)

The rate of crime against Scheduled Castes has remained static at 2.8 in the years 2011 as compare to the year 2010. Rajasthan has reported the highest crime rate of 7.6 in the year 2011 followed by Andhra Pradesh (5.1), Madhya Pradesh (4.5), Karnataka (4.1) and Uttar Pradesh (3.9) against the National average of 2.8.

Crime head-wise Analysis of Crimes Against Scheduled Castes

Murder (Incidence...673)

A total of 673 cases of Murder were reported in the country during the year 2011 compared to 570 cases in the year 2010 thereby reporting an increase of 18.1%. Uttar Pradesh has accounted for 42.5% of the total Murder cases reported in the country (286 out of 673 cases) followed by Madhya Pradesh 14.7% (99 out of 673 cases).

Hurt (Incidence...4,247 Rate...0.4)

A total of 4,247 cases of Hurt were reported during the year 2011 as compared to 4,376 cases in the year 2010 in the country thereby reporting a marginal decrease of 2.9% during the year 2011 as compared to the year 2010. Madhya Pradesh (900 cases), Andhra Pradesh (708 cases) and Rajasthan (510 cases) accounted for 49.9% of the 4,247 such cases during the year 2011.

Rape (Incidence...1,557 Rate...0.1)

A total of 1,557 cases of Rape of women belonging to Scheduled Castes were reported in the country during the year 2011 as compared to 1,349 cases in the year 2010, thereby reporting an increase of 15.4%. Uttar Pradesh has reported 397 cases accounting for 25.5% of the total 1,557 cases reported in the country followed by Madhya Pradesh 21.0% (327 out of 1,557 cases).

**Kidnapping & Abduction
(Incidence.....616)**

A total of 616 cases of Kidnapping & Abduction of Scheduled Castes were reported during the year 2011 as compared to 511 cases in the year 2010 thereby reporting an increase of 20.5%. *Uttar Pradesh has reported 58.8% (363 out of 616 cases) of such incidences during the year during 2011.*

**Robbery
(Incidence...54)**

A total of 54 cases of Robbery were reported during the year 2011 as compared to 75 cases in the previous year thereby reporting a decrease of 28.0%. *Gujarat (19) and Maharashtra (12) accounted for 57.4% of total cases reported in the country.*

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

Sl. No.	Crime-Head	Year					% Variation in 2011 over 2010
		2007	2008	2009	2010	2011	
(1)	(2)	(4)	(5)	(6)	(7)		
1.	Murder	674	626	624	570	673	18.1
2.	Rape	1,349	1,457	1,346	1,349	1557	15.4
3.	Kidnapping & Abduction	332	482	512	511	616	20.5
4.	Dacoity	23	51	44	42	36	-14.3
5.	Robbery	86	85	70	75	54	-28.0
6.	Arson	238	225	195	150	169	12.7
7.	Hurt	3,814	4,216	4,410	4,376	4247	-2.9
8.	Protection of Civil Rights Act	206	248	168	143	67	-53.1
9.	SC/ST (Prevention of Atrocities) Act	9,819	11,602	11,143	10,513	11,342	7.9
10.	Others	13,490	14,623	15,082	14,983	14,958	-0.2
	Total	30,031	33,615	33,594	32,712	33,719	3.1

**Dacoity
(Incidence...36)**

A total of 36 cases of Dacoity were reported during the year 2011 as compared to 42 cases in the year 2010 thereby reporting a decrease of 14.0%. *Maharashtra has reported the highest number of 16 cases, accounting for 44.4% of total cases.*

**Arson
(Incidence...169)**

Country-wide 169 cases of cases of Arson during the year 2011 followed by *Rajasthan (28 cases) and Madhya Pradesh (28 cases). These States accounted 56.2% of total cases reported in the country.*

**Protection of Civil Rights Act, 1955
(Incidence...67)**

A total of 67 cases were reported during the year 2011 as compared to 143 cases in the year 2010 thereby reporting a decrease of 53.1% in 2011 over 2010. *Tamil Nadu has reported the 12 cases of such crimes followed by Andhra Pradesh and Maharashtra (10 cases each) during the year 2011. These three States have accounted for 47.8% of total cases reported in the country.*

**SC/ST (Prevention of Atrocities) Act
(Incidence...11,342 Rate...0.9)**

A total of 11,342 cases were reported under this Act during the year 2011 as compared to 10,513 in the year 2010 thereby reporting an increase of 7.9%. *Bihar has reported 3,024 cases accounting for 26.7% of the total cases reported in the country followed by Uttar Pradesh (17.6%) and Andhra Pradesh (12.7%). At 3.0, the highest rate of crime was reported in Odisha as compared to National rate of 0.9.*

**Crimes against Scheduled Tribes
(Incidence (IPC+SLL)...5,756
Rate...0.5)**

*A total of 5,756 cases against Scheduled Tribes were reported in the country during the year 2011 as compared to 5,885 cases in the year 2010 showing a decrease of 2.19% in 2011 over 2010. This decrease was observed under heads 'Arson', 'Hurt' and 'POA, Act'. The details are presented in **Table-7 (B)**. Madhya Pradesh has reported 24.0% (1,384 cases) followed by Rajasthan 21.9% (1,263 cases) of*

the total 5,756 cases reported in the country during the year 2011. However the crime rate was highest in Arunachal Pradesh at 2.5 as compared to only 0.5 at National level.

Crime head-wise analysis of Crimes Against Scheduled Tribes

**Murder
(Incidence...143)**

A total of 143 cases of Murder of Scheduled Tribes were reported in the year 2011 as compared to 142 cases in the year 2010, showing a marginal increase of 0.70%. *Madhya Pradesh has reported the highest number of cases (49 cases) accounting for 34.3% cases followed by Chhatisgarh (22 cases) of the total 143 cases reported in the country during the year 2011.*

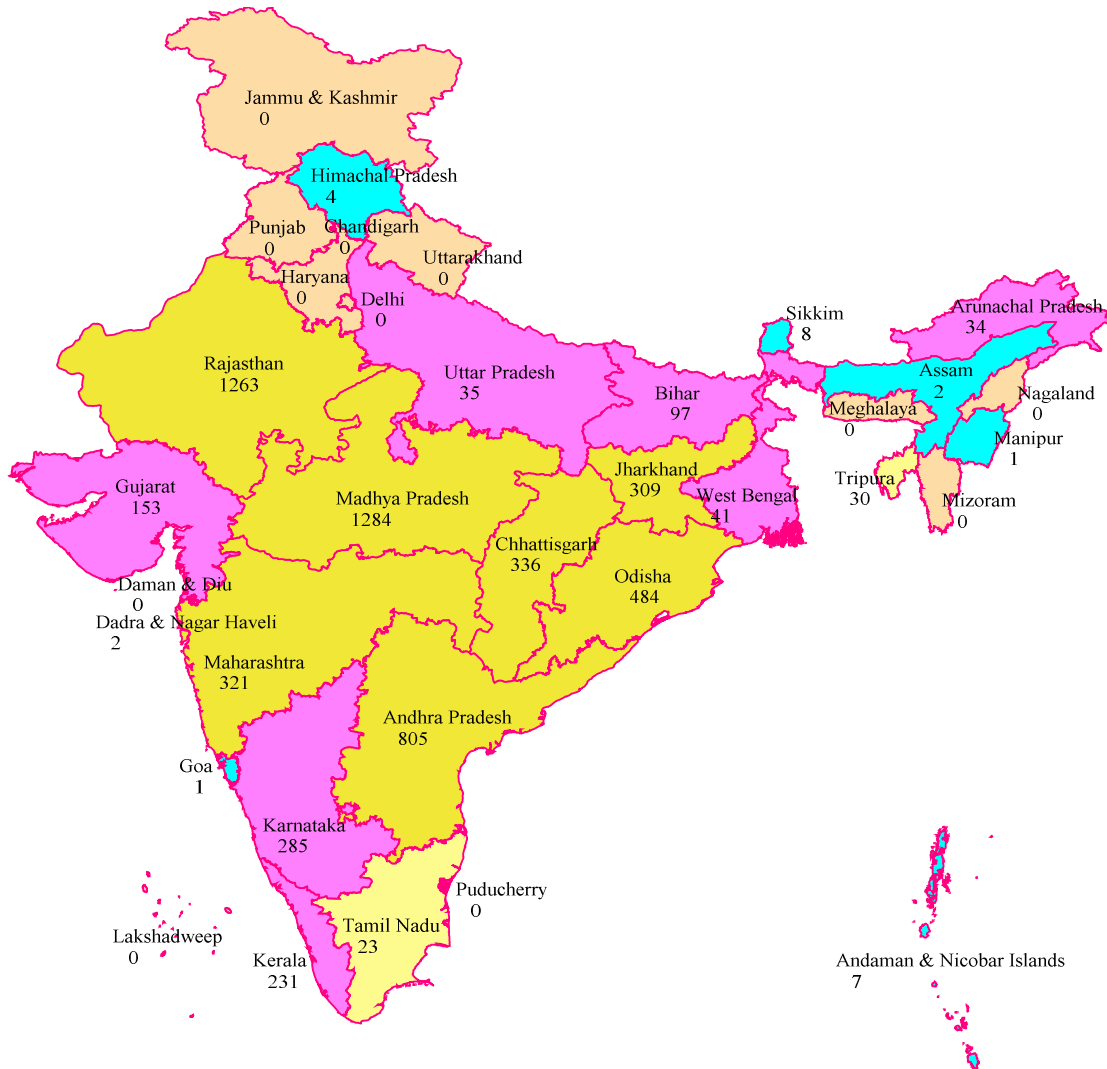
**Rape
(Incidence...772)**

A total of 772 cases were reported in the year 2011 as compared to 654 cases in the year 2010, thereby, showing an increase of 18.0%. *Madhya Pradesh has reported 308 number of cases accounting for 39.9% cases of the total cases in the country during the year 2011.*

**Kidnapping & Abduction
(Incidence...137)**

The incidents of Kidnapping & Abduction have increased by 63.1% in the year 2011 over the year 2010 (84 cases). *Madhya Pradesh has reported 39 cases followed by Jharkhand 30 cases. These two States altogether accounted for 50.4% of the total 137 cases reported in the country.*

INCIDENCE OF CRIME AGAINST SCHEDULED TRIBES DURING 2011 (All India 5756)



Incidence (No. of Cases)



Dacoity (Incidence...7)

A total of 7 cases were reported in the country during the year 2011. *Madhya Pradesh (2 cases) and Maharashtra (3 cases) accounted for 70.4% of such cases during the year 2011.*

Robbery (Incidence...9)

A total of 9 cases were reported during the year 2011 as compared to 5 cases in the year 2010, indicating an increase of 80.0%. *Jharkhand and Maharashtra have reported 2 cases each of such crime during the year 2011.*

Hurt (Incidence...803 Rate...0.1)

A total of 803 cases were reported during the year 2011 as compared to 941 cases in the year 2010 showing a decrease of 14.7%. *Madhya Pradesh has accounted for 32.8% (263 cases) of total 803 cases reported in the country followed by Andhra Pradesh (112 cases) and Rajasthan (108 cases). The crime rate of 0.7 in Rajasthan was reported as compared to National average of 0.1.*

Arson (Incidence...24)

A total of 24 cases were reported in the year 2011 as compared to 39 cases in the year 2010 showing a decrease of 62.5%. *Rajasthan has accounted for 29.2% (7 cases) of total 24 such cases reported in the country during the year 2011.*

Protection of Civil Rights Act (Incidence...7)

A total of 7 cases were reported during the year 2011 as compared to 5 cases in the year 2010, thereby showing an increase of 40.0% over 2010. *Andhra Pradesh (3 cases) and Karnataka (4 cases) accounted for 100% of such cases during the year 2011.*

SC/ST (Prevention of Atrocities) Act (Incidence...1,154 Rate...0.1)

A total of 1,154 cases were reported during the year 2011 as compared to 1,169 cases in the year 2010 showing a decrease of 1.3%. *Odisha has accounted for 35.2% (406 cases) of the total 1,154 cases reported in the country followed by Andhra Pradesh (233 cases). Odisha had also reported the highest crime rate of 1.0 as compared to 0.1 at the National level.*

Disposal of Crimes by Police Courts

The general trend of disposal of IPC and SLL crimes by police and courts has already been discussed in detail in **Chapter-4**. The average charge-sheeting rate for the crimes against Scheduled Castes and Scheduled Tribes stood at 90.7% and 93.2% respectively in comparison to National level general charge-sheeting rate of 78.8% for IPC crimes and 93.4% for SLL crimes.

RATE OF CRIME AGAINST SCHEDULED TRIBES DURING 2011 (All India 0.5)



Rate of Crime

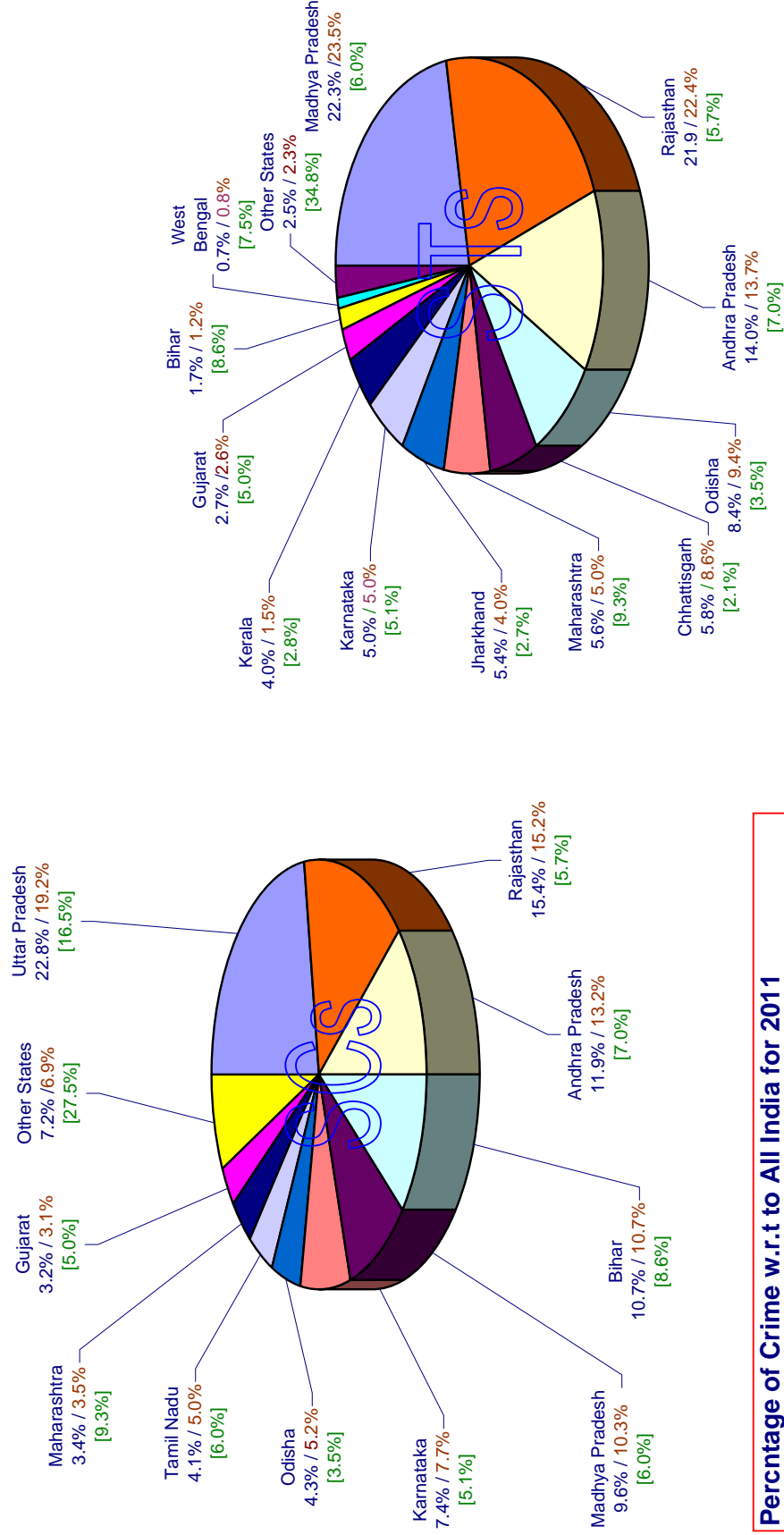


Note:

Rate of Crime against Scheduled Tribes means number of crimes against Scheduled Tribes per one lakh population.

Crime Against Scheduled Castes & Scheduled Tribes - State-wise during 2011/2010

FIGURE 7.1



Percentage of Crime w.r.t to All India for 2011
Percentage of Crime w.r.t. to All India for 2010
Percentage of Population w.r.t. to All India for 2011

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

Sl. No.	Crime-Head	Year					% Variation in 2011 over 2010
		2007	2008	2009	2010	2011	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1.	Murder	140	128	118	142	143	0.7
2.	Rape	627	585	583	654	772	18.0
3.	Kidnapping & Abduction	89	93	82	84	137	63.1
4.	Dacoity	9	14	3	7	7	0.0
5.	Robbery	21	18	24	5	9	80.0
6.	Arson	54	49	29	39	24	-38.5
7.	Hurt	855	873	787	941	803	-14.7
8.	Protection of Civil Rights Act	5	6	2	5	7	40.0
9.	SC/ST (Prevention of Atrocities) Act	1,104	1,022	944	1,169	1,154	-1.3
10.	Others	2,628	2,794	2,853	2,839	2,700	-4.9
	Total	5,532	5,582	5,425	5,885	5,756	-2.2

The average conviction rate for crimes against Scheduled Castes and Scheduled Tribes stood at 31.8% and 19.2% respectively as compared to overall conviction rate of 41.1% relating to IPC cases and 90.5% relating to SLL cases. The crime head-wise and State/UT-wise details of disposal of crimes against Scheduled Castes are presented in **Table-7.3** to **Table-7.8** while those for Scheduled Tribes are presented in **Table-7.11** to **Table-7.16**.

Disposal of Persons Arrested by Police and Courts

55,926 persons (70.6%) out

of 79,246 persons (including persons under investigation of previous year previous) arrested for committing crimes against Scheduled Castes were charge-sheeted by the police. A total of 15,306 persons were convicted by the court, out of 48,283 persons against whom trials were completed representing a conviction rate of 31.7%.

8,061 persons out of 10,026 persons arrested for crimes committed against Scheduled Tribes were charge-sheeted accounting for 80.4% charge-sheeting rate. A total of 1,382 persons were convicted out of 7,113 persons against whom trials were completed representing 19.4% conviction rate. The details are presented in **Table-7.17** to **Table-7.24**.
