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NAVIGATING THE CRIMINAL JURISDICTION OF THE SCHEDULED CASTE AND THE SCHEDULED TRIBE(PREVENTION OF ATROCITY) ACT, 1989 OF INDIAN STATE: CHALLENGES & STRATEGIES-

Abstract-

The purpose for the implementation of statutorily principles of The Scheduled Caste & the Scheduled Tribe (Prevention of Atrocities) Act, 1989 is widely discussed in detail. The research work examines that whether the origin of The Scheduled Caste & the Scheduled Tribe (Prevention of Atrocities) Act, 1989 is a boon or a bane for the existing statutorily ambits of The Constitution of India which are prevalent since Independence of Indian State as well. It further analyze the challenges and obstacles that are arising in the path of effective implementation of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 as well. The researcher tried to find out the solutions to curb the obstacles and challenges that are prevalent in India which are paving a way towards the existence of Caste based discrimination as well. The role of landmark judgements being imparted and delivered by the honorable Apex or The Supreme Court of India along with the effective implementational growth of legislative policies to impart equality amongst all are studied in detail upon the masses at large, because the strength of any democratic society does not depend upon the effective legislations which it has drafted but instead, of it, it depends upon the proper and effective implementation of these policies. The paper furthermore analyzes the role of National Human Rights Commission to keep the baneful instances of various sort of discriminations away from the Indian society as well.

Keywords- Caste, Discrimination, Constitution, Human Rights, Judgements, etc.

Introduction-

The genesis of Caste-based discrimination is not a new phenomenon but howsoever we find the traces of such a discrimination from Manu-smriti. Manu stated in a very clear and precise manner within his Manu-smriti that people are divided on the basis of Caste's as per the Hindu religion and Shastra's. And, on the basis of this division people were categorized as Brahmins, Kshatriya's, Vaishyas and Shudra's. Further, based upon such a sort of division and categorization, Brahmins, Kshatriya's, Vaishyas were considered to be superior Caste's and Shudra's or Ati- Shudra's were considered to be a dominating class as well¹. Thus, it is not wrong to conclude that Caste based discrimination was the foundational stone for the origin of Hindu society as well. With the passage of time East India Company in association with the British rule established their ruling within the geographical and territorial extent of India. East India Company and various British rulers found the existence of Caste-based discrimination at its peak amongst the Hindu sects. Looking at the division of people on the basis of Caste, the East India Company found it relevant and very comfortable to rule over Indians by adopting the policy of divide and rule because it wasn't a difficult task to divide the masses at large who were already divided and who discriminates amongst themselves mainly upon the basis of Caste as well². But along with this policy of divide and rule, the East India Company and British rulers found that it would be a difficult task for them to manage the clerical and labor work which they were supposed to carry forward from Indians because of the deep roots of division and discrimination amongst the Hindu people. Hence, the East India Company discussed the entire instance with various British rulers and led the formation of Caste disability removal Act, 1850 which mainly talked about the instance of granting equal rights and dignity to all the people who shifted their religion during that era from Hinduism to any other religion as well. Though even after the introduction of various statutory laws by the East India Company and by various great British rulers, they failed to tackle the bane full instances of Caste based discrimination from Hindu religion. Further more with the passage of time the Indian State got its Independence in the year 1947 from the British rule and after Independence, India adopted the democratic government which is usually a government of the people, for the people and by the people as well. The entire democratic set up of Indian State is based upon the Constitution of India and it is not wrong to suggest that the Constitutional set up of entire Indian State is the foundational stone for the democracy of India as well. In the Article 14, Article 19 and Article 21 of Indian Constitution, it has been statutorily stated that every person being a citizen of India must be treated with equality, every person being a citizen of India has freedom of speech and expression being limited up to the poke of its nose plus he or she is liberal to move anywhere within the Indian State, every person being a citizen of India has right to life and personal liberty respectively and the sum up of all these sections is covered under the instance of the golden triangle rule of Indian Constitutional ambits as well. Further more the aspect of the directive principles of the State policy stated that every one is to be treated equally at each and every place whether it is his or her place of residence or it's a place of his or her work and evry person is to be paid equally for equal work without any discrimination of any sort as well. The strength of

¹ Scheduled Caste/Scheduled Tribe Act/Special Court's order rejecting anticipatory bail plea appealable under section 14-A before High Court-Allahabad High Court< [SC/ST Act | "Special Court's Order Rejecting Anticipatory Bail Plea Appealable U/S 14A Before HC": Allahabad High Court \(livelaw.in\)>](#) accessed, 18 November, 2022.

² P.N. Bhagwati, "Human Rights in Criminal Justice System" 27 JILI (1985).

Indian democracy depends upon the golden triangle rule of Indian Constitution which mainly covers the major fundamental rights being granted to every citizen of India stated hereby plus upon the directive principles of state policy as well. But even after the introduction of such beautiful and intelligent statutorily ambits of Indian Constitution, it is a situation of bane for all of us that still there is an existence of Caste based discrimination within the geographical ambits of Indian State and as a result of which The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocity) Act, 1989 was introduced statutorily by the Parliament of the Indian State as well. The subject of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocity) Act, 1989 was introduced to punish all those accused persons who were, are and will be found guilty for the offence of Atrocity. But now the question arises that what does the offence of atrocity refers to? By providing a satisfactorily answer to this question, we may conclude that the term atrocity has been defined under section 2(a) and section 3 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocity) Act, 1989, which further means that discriminating and dominating a person belonging to the scheduled caste or either to a scheduled tribe without any genuine reason and only upon the basis of his Caste or sect constitutes to the subject of atrocity and it is punishable offence under Section 3 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocity) Act, 1989 as well. Howsoever the subject of special courts and exclusive special courts has also been introduced within the statutorily ambits of Section 14 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocity) Act, 1989 to grant speedy justice to the victims of atrocities in India as well. Speedy justice is the need of an hour because the number of pending cases in respect to the atrocities with effect from the year 2017 to the year 2021 has been increased to 68% in toto. This continuous increase in the number of cases, not only in respect of atrocities being associated and concerned with The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocity) Act, 1989 but even in respect of each and every statute of Indian State is very dangerous and it affects the growth of the democratic set up of Indian State in a worse manner as well. This is so because as per the statement of the famous jurist and former Prime minister of Britain, that is, Sir William Gladstone, "Justice delayed would be justice denied as well." Further more it is important to note that delay in granting justice affects the statutorily principle of the well-known legal principle throughout the globe and that is, "Justitia nemini neganda est", which further means that justice is not to be delayed and is not to be further more denied to any person as well. This delay in granting justice not only affects the above stated principle but it also affects many other principles which mainly includes, "Fiat Justitia Ruat Caelum", "A Verbis Legis non est Recedendum", "Lex non a rege est violanda", etc. The subject of Fiat Justitia Ruat Caelum usually means that Justice is not to be delayed and denied even though the heaven falls down. The concept of a verbis legis non est recedendum usually means that no one can proceed against the ambits of law at any cost. The title of the principle lex non a rege est violanda generally means that law is supreme nad must be equal for all as well. Thus, it is not wrong to suggest that delay in imparting justice to the victims belonging to the scheduled caste's and the scheduled tribe's affects the statutorily ambits of Indian democracy and the principles of International laws, natural justice, humanitarian grounds, etc.

1. Criminal Jurisdiction of The Scheduled Caste's and The Scheduled Tribe (Prevention of Atrocities) Act, 1989- The subject of the ambits stated under section 3 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 acts as a catalyst to impart justice to the victims of the people belonging to the class of scheduled caste and the

scheduled tribes as well, who are facing discrimination just upon the basis of their Caste and birth. If prima facie, someone took birth in a family then who is at default? It is not the fault of that family and is also not the default of that child who has recently taken birth because practically, the instance of life is ethically and morally depends upon the three principles which are highlighted as follows-

- (a). One is unfamiliar with the instance that from where he came from during the time of his birth.
- (b). One fights and struggles to get every sort of success in his or her life.
- (c). One doesn't know's that where he will go after his demise.

Hence, because life of each and every living creature is dependent upon the above three principles and it is quite disgusting to fight amongst one another upon the basis of religion, caste, color, creed, etc., because some things are in the hands of God as well. Thus, Section 3 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 is very much paving a way towards the principle of removing a Caste based discrimination from Indian State by punishing all those persons who are accused and are found guilty to dominate people belonging to the scheduled caste and the scheduled tribe as well. Section 4 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 paves a way to keep an intact eye upon the public servant who is not performing his statutory obligations in an appropriate manner to impart justice to the people who are victims of atrocities as well. It further more provides a way to punish all those public officers with a minimum imprisonment of 6 months but which may extend's up to 1 year for the neglect of duties by a public servant in favor to grant appreciable justice to the concerned victims referred here. Section 6 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 says that the subject of public servant referred here in this Act of 1989 has the same meaning as defined within the ambit of Section 21 of The Indian Penal Code, 1860, which was being drafted by Sir Lord Macaulay as well. Section 10 to Section 13 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 deals mainly with the process of Exemption. While conducting a research on the subject of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 or while dealing with the study of this Act of 1989, one must be familiar with the principle of Exemption. According to the layman language and the general dictionary meaning of the process of Exemption, it can be concluded that it is the process of putting someone or something out of any specific area or a schedule. But while dealing with the legal ambit of the process of Exemption under, The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act of 1989, we have to get our pure attention and focus towards section 10 of the said Act of 1989 as well. Section 10 says that, whenever a special court which is statutorily explained under section 14 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 referred above, feels it necessary and essential that certain specific person or a set of persons are likely or about to commit an offence which falls or is likely to fall under The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 then such a special court has the power and capacity to entertain and pass the order against such person or set of persons to remove himself or themselves from such a sensitive area as well. The order which is being passed under section 10 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 remains valid for the period of three years and the special court which has passed such an order has the authority to amend the ambit of the order of Exemption within 30 days of passing such an order as well, and not after that. However, the process of

Externment associated with The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, is also widely explained under section 11 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 as well. Section 11 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, says that if a person or set of person against whom the order of Externment has been passed by a special court under section 10 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, has failed to abide the instructions of such an order then such a person or set of those persons are to be sent to police custody outside the prone area or the sensitive area mentioned above, for which his or her removal from such an area is necessary for the ambits to maintain peace and harmony in that specific area for the futuristic era to come for as well. To understand the complete process of Externment within The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, one must be familiar with the Section 12 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, which can not be ignored at any cost. Section 12 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, says that the special court referred under section 14 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, has the capacity to authorize any official to take measurement and measurement plus photograph of the concerned person or the set of persons against whom the order of Externment has been passed by such and such special court referred above under section 10 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, and in case, if he or she fails so to provide with such and such measurements or photographs as per the requirement of the essentialities of the Section 12 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, then such a person who is acting as an official on behalf of the special court mentioned under section 14 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, to take such and such measurements and photograph's, may use all necessary means to take it and in case, the person against whom an order under section 10 and under section 11 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, has been passed disobeys the order and instructions of the official referred under section 12 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, then such a person or set of persons would be held liable and are punishable as per the statutorily ambits of Section 186 of Indian Penal Code, 1860 and under the statutorily ambits of Section 221 of The Bhartiya Nyaya Sanhita, 2024 as well. The subject of the statutorily ambits of the process of Externment under chapter-3 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, is totally based upon the principles stated under Section 13 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989. This is so because Section 13 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, says that if any person disobeys the provisions of chapter-3 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, and specifically if he or she disobeys the provisions of section 10 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, then he or she is punished with an imprisonment for one year and with fine as well. Thus, based upon the above explanations it is concluded that Chapter-3 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, which mainly deals with the legal process of Externment is the base to impart peace, justice, harmony within the society which is a sensitive area in a specific manner as well.

2. Revealing challenges being obstacles in the path of appropriate implementation of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, and strategies to curb those challenges- Though Chapter 4 and Chapter 4-A of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 paves an excellent way to remove discrimination upon the basis of Caste. Chapter-4 covering the ambits of Section 14, Section 14-A and Section 15 mainly deals with the introduction of Special Courts, Exclusive special courts, subject of appeals and introduction of special public prosecutor and exclusive public prosecutor, respectively. Section 14 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 says that whenever a dispute is dealt by special court then it has to entertain day to day hearing unless the reason for adjourning the same hearing has been recorded by the concerned court as well. The police is statutorily obliged to file a charge sheet in respect of the offence falling within the ambits of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, within 60 days of the commission of the said offence as well. The trial is to be completed by such and such special court referred above is to be completed within 2 months of institution of such a case. These principles are statutorily provided under section 14 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 because of the rationality to impart speedy justice to the victims of atrocities within the Indian State as well. Howsoever, Section 14-A of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, deals with the aspect of filling an appeal within 90 days of the passage of final order in respect of the judgement of the special court to the high court and such an appeal is to be decided within 3 months of initiation of such and such appeal as well. The concept of appointing a special public prosecutor and an exclusive public prosecutor bearing seven years of practice as an Advocate has been statutorily provided under section 15 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989. Hence, based upon all the above explanations it is concluded that Section 14, 14-A and 15 of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 were introduced within the ambits of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 to impart speedy justice to masses at large who were, are and will be the victims of atrocities but now the question arises that even after the strict implementation of The Constitution of India and even after the strict implementation of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, why even after more than 78 years of Independence there still exists discrimination on the basis of caste and why people are dominated upon the basis of atrocities? By providing an answer to this question we may conclude that because of the vastness in diversity of Indian State and because of large populous area, there are still various geographical regions within the Indian State where people are still facing the subjects of illiteracy, un-awareness etc. Because of illiteracy, people are un-aware about their constitutional plus statutorily rights as well. And this sort of un-awareness is the major factor responsible for the existence of discrimination upon the basis of the atrocities which is commonly known as the Caste-based discrimination as well. The obstacle in the path of effective implementation of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 is that a layman has failed to understand the subjective and legal analysis of the purpose of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 because of various legal entities and technicalities within the said Act as well. Though Chapter-4-A of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 mainly covers Section 15-A of The Scheduled caste and

The Scheduled Tribe (Prevention of Atrocities) Act, 1989 which further more deals with the rights of victims and witnesses in detail and paves a way to the social aspect of equality and fraternity of all, but still there are various places in the states of Punjab, Himachal Pradesh, Uttar Pradesh, Uttarakhand etc., where people are treated with inequality and in a worse manner upon the basis of their Caste's. The researcher found that it is a bane and curse upon the various societies existing within the geographical territory of Indian State that various discriminations which are existing and are still popular are not being reported at all. However, it is the need of an hour to tackle these instances of prevalent discrimination to strengthen the principles of Indian democracy because these existing discriminations are weakening the subject of democratic ambits and humanitarian principles in a worse manner as well. But the question arises that how we can curb this problem and what are the factors which are to be adopted to establish and implement the principles of Right to equality at ground level? By providing an answer to this question, we may conclude that it is not only the obligation of government only to implement the statutory laws and legislative policies but instead, it is the moral obligation of each and every prudent citizen of India to teach masses at large about their rights plus about their obligations towards their state who are usually un-aware of their rights and duties. Because blaming government in such a vast country like India is not the solution to tackle the problems and obstacles of the entire nation. The concept of and the well- renowned principle of, "ubi jus ebi remedium", is to be taught to masses at large which generally means that where there is a right, there will be remedy available there at all and hence, one must be aware about his rights as well. It is further more not wrong to conclude that the existence of substance of discriminating people on the basis of their birth and ultimately, on the basis of their Caste also covers the aspect of the violation of Human rights of the concerned person who is a sufferer of such and such sort of discriminations and because, being a subject of violation of the statutory ambits of Section 16(b) of The Protection of Human Rights Act, 1993, the National Human Rights Commission of Indian State and the concerned State Human Rights Commissions of each and every state of India are purely obliged to take cognizance of such an instance of discrimination and are capable enough to grant speed justice to the victim of atrocities as well, provided that an instance of such discrimination must have occurred within one year of initiation of the complaint at National or State Human Rights Commission because the concerned commission is not entitled to take a matter in to its cognizance of jurisdiction which has been instituted after completion of one year of the incidence as per the statutory ambits of the Section 36 of The Protection of Human Rights Act, 1993 as well. Prima facie, it is to be kept in mind that if the complainant or the victim of the instance of discrimination on the basis of its birth and upon the basis of its caste has already instituted a case in front of the special court being statutorily explained and referred under Section 14 of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, then such a victim of atrocities is not entitled to institute the same complaint at the portal of National Human Rights Commission or in front of any of the concerned state human rights commission as well, and vice versa. The organizations of various legal aid camps by many universities, law researchers, lawyers, Advocates, Judges, Justices and Professors of Law, are also helping to curb and tackle the problem of effective implementation of The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, at ground reality as well. Though it is the key point which is to be kept in mind that India is a country where people belonging to different Caste's, Sects, Religions, Color, Creed, etc., exists and looking at the instance of

such kind of societal arrangement it is not a shocking aspect that the discrimination on the basis of Caste is still prevalent in India. However the government of Indian State is doing its job by proceeding effectively along with its all the three tiers and which are, the legislative, the executive and the judiciary via partly rigid and partly flexible manner and by introducing the principles of secularism in the democratic set up but still there is a need to generate awareness at grass root levels and especially at rural areas which are usually prone in manner or sensitive in their nature while talking about the offences being coverable under The Scheduled caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989 as well. According to Sir Aristotle, "Man is a social animal" and such a social animal must live his life by adopting the principles of unity in diversity as well because all are human beings here on this earth and no one is superior or supreme in any sort or any of the ways. Thus, if God has created a man by up bringing equal establishments for all of us and that is, we all have equal arms, equal ears, equal eyes, equal legs, equal hands, equal foots, equal stomach, equal and similar sort of hairs, etc., then we must also live our life by adopting the principles of equality amongst all of us as well.

3. **Ethical challenges faced by Scheduled Caste's and Scheduled Tribes: A Cultural Implication-** Though we have already discussed above in detail that people in India are divided and discriminated upon the basis of their origin, birth and Caste as well. But we have not discussed the mode of such discrimination. By looking in to the historical perspectives of various religious and ethical practices of Indian State we may conclude that people were discriminated by the way that the people who were associated with the Shudra or Ati- Shudra class were not allowed to sit together with the people belonging to Brahmin, Kshatriyas, Vaishyas. Even the Shudra and At- Shudra class were not allowed to eat, marry, work together with the people who considered themselves to be superior and those were the Brahmins class, the Kshatriya class, the Vaishya class as well. Though there were teachings and philosophies of many great ethical and philosophical scholars who paved a way via their teachings to abolish the existence of discrimination on the basis of Caste but masses were and are still at some places are not ready to adopt all those practices. The Hon'ble Chief Justice of India, that is, Hon'ble Mr. Justice DY Chandrachud sir has rightly stated that it is the significant feature of Indian Constitution that it mandatorily preserves the rights of all those people who even are unaware of it or either who doesn't believe in it and it is only the result of the statutorily provisions of The Constitution of India and the statutorily introduction of The Scheduled Caste and The Scheduled Tribe (Prevention of Atrocities) Act, 1989, which has paved a way to curb crime which was in existence at its peak before Independence against Shudra and Ati- Shudra classes. Taking instances from the ethical epic of Hindu's, that is, Ramayana and Geeta, where Shree Ram and Lord Krishna efficiently guided the globe at large to not to discriminate people on the basis of their origin and caste by eating foods by moving themselves towards the place of residences of so called Shudra and Ati- Shudra classes such as Shabri and Gopi's respectively, we may conclude that by discriminating people on the basis of Caste, the one who belives in such sort of discrimination and perform acts accordingly by teasing Shudra and Ati-Shudra class is himself creating a curse upon him for which he has to pay a heavy cost as per the moral principle of Karma which says that life is a recycle and whatever you are giving today to others, you are going to get the reward of it in the futuristic instances to come for. So, in case if you are respecting other's you will get respect and in case, you will tease others then haters will come to you in the upcoming future and this is what exactly the meaning of life is. Further more by coding instances from

Sikhism, we must refer to the teachings of Dhan Dhan Shree Guru Nanak Dev Ji, who stated clearly in Shree Guru Granth Sahib Ji that, “Karma is the Supreme Dharma” and hence, one should believe in his or her karma instead of focusing upon teasing other people on the basis of their origin because personality of a person is reflected through its honesty, determination towards his work, dedication, etc., and not upon the basis of his bad evils as well. But even after the great teachings of the Epic Ramayana, holy book Geeta and Shree Guru Granth Sahib Ji, people though being aware of all these teachings had continuously adopted and are still focusing upon the principles of discriminating others. Even after the introduction of the principle of “Sarbat Da Bhala” which means that one should think for the favor of entire world instead of wasting his or her time upon the existence of many bad evils in the society, people are still full of negative thoughts which is a curse upon Indian society at large. All ethical epics including Quran and Bible also conveys the same principle and that is, “Our race is living being, Man kind is our religion; Hindu, Muslim, Sikh, Christian, there is no separate religion”, which further more means that God is one and hence, people are not to be discriminated upon the basis of religion, caste, sub-caste’s etc. With the passage of time the names of the scholars kept on changing but they conveyed one and the same thing and that is, to adopt the path of Justice, Equality, Fraternity, Peace and Honesty. Many of these scholars included Dr. Bhim Rao Ambedkar, commonly known as Baba Saheb because of his great contributions for establishing peace and equality amongst the society and for contributing a lot of the part of Indian Constitutional ambits as well, Sir Mohandas Karamchand Gandhi commonly known as MK Gandhi, Swami Vivekananda, Swami Dayananda, Dhan Dhan Shree Bawa Lal Dayal Ji Maharaj, Dhan Dhan Guru Ramdas Ji Maharaj, Bibi Rajni from Patti princely state of Punjab, etc. These all scholars and ethical thinkers contributed their entire life to teach masses at large that God is one and he is only the supreme commander of this world and hence, as a result of which one should keep his entire life away from various sort of discriminations because teasing others upon the basis of any sort of discrimination is a curse upon the life of human being as well. With the passage of time there came advancement in the society and at present we have the Constitution of India and the honorable Apex Court of India to curb all these discriminations being curse for the development of Indian State. All sections of society have desired to live with honour, dignity and decency. To live with human dignity and decency are the minimum requirement which must exit in every society for enjoyment of respectful life. The matter of rights have been seriously considered and debated upon by all societies. The Indian society right from the ancient times has been advocating the virtues of non-violence. Orientation towards farther once of well-being of others vis-à-vis one’s own has been accorded primarily. India being the mother land of many cultures and civilization has been a great saviour of an individual’s liberties and rights. Many countries got it from this holy land that the lofty principles of human life mean’s that let all the people must remain happy. The protection and promotion of human rights are possible only in a society where all people irrespective of their castes, creeds, sex and religion lives happily. In **Sunil Batra Vs. Delhi Administration**,³ the court observed that, the treatment of a human being who offends human dignity, imposes avoidable torture and reduce the man’s level to a least, would be arbitrary in nature and can be questioned under Article 14. It is very much clear that India has deep roots with regard to the existence of caste system and on the basis of such deep roots, great Indian freedom fighter and scholar, Sir M.K. Gandhi stated that, “We

³AIR 1980 SC 1579.

(Indians) have made ourselves the laughing stock of the world by adopting the pattern of Castism. No wonder that we are today amongst the Hindus a section, which is bending its energies to destruction of the institution, which spells the reign of the Hindus.”⁴ Indians, especially Hindus, believe that Shudras or lower castes people are those who are usually dependent on others for the smooth survival of their living and as a result of which upper castes people used to provide them with work of cleaning their toilets, houses, streets, roads, etc. But Sir M.K. Gandhi, furthermore, stated through his golden words that directly or indirectly, every Indian is a Shudra. This is so because India is also dependent on other developed nations such as UK, USA, Russia, China etc, for its survival and India is in a regular habit to perform export & import activities with such and such nations & hence, because of this dependency of Indians over other states, one may conclude that all Indians are Shudras as well.⁵ According to Gospels of Guru Nanak Dev Ji, Karma is the supreme Dharma, as stated above. Hence, one must not believe in the existence of caste and it is totally wrong to introduce or to perform any sort of discrimination on the basis of Caste because, whatever deeds we do, we directly or indirectly get the fruit of it thereof. So if any one dominates another on this earth, then he/she will also have to face the similar situation someday. Hence, a man is known according to its own deeds. So one must not play the game that will defeat him in future, in his own court as well.⁶ Therefore, teachings of Guru Nanak Dev Ji, guides all the people of this universe that, “violence, delusion, greed and anger, all four are the rims of fire. Those who enter them are burnt. One is saved by clinging to his feet. The world is in bondage, the saved ones are those who destroy their egoism. In this world there are many who discuss gnosis, very few act up to it. In this world there are many learned men, very few who contemplate what they learn. Without meeting the True Guru, all wander in pride.”⁷ Thus, from the above referred principle, it is clear that one does not becomes superior by dominating people belonging to lower castes, but instead he/she becomes superior by adopting good ethical values by destroying his/her egoism and by adopting the principles of Vasudeva Kutumbakam, that is, earth is one and by adopting the concept of unity in diversity in its own mind or school of thought as well. Further, in **Indra Sawhney v/s Union of India**⁸, it has been stated by honourable Supreme Court of India, that the doctrine of equality has many facets and equality includes the fact that everyone is equal in the eyes of law and no one is to be dominated or discriminated on the basis of caste, colour, creed, sex etc, which is also clearly mentioned under Article 15 of our Indian Constitution, which furthermore constitutes to the fundamental right of every Indian as well. It has also been stated by hon’ble Supreme Court of India in **Indra Sawhney v/s. Union of India**, that nothing under clause (2) of Article 29 of Indian Constitution shall prevent the State from making any special provision for upliftment of weaker or minor sections of society as well. Though it is clear from the above referred situations that why India needs The Scheduled Castes & Scheduled Tribes (prevention of Atrocities) act of 1989, but there is another facet of this Act of 1989, through which this Act is being misused by certain people. In **Dr Subhash Kashinath Mahajan v/s. State of Maharashtra**, an employee of technical education

⁴ Dr Braham Prakash, Mahatma Gandhi as a critique of caste system (Issue 7, Vol. 5, JETIR, 2018) 2.

⁵ Dr Braham Prakash, Mahatma Gandhi as a critique of caste system (Issue 7, Vol. 5, JETIR, 2018) 3.

⁶ Bhai Jodh Singh, Gospel of Guru Nanak Dev (3rd edition, Language department, Punjab, 2021) 34

⁷ Bhai Jodh Singh, Gospel of Guru Nanak Dev (3rd edition, Language department, Punjab, 2021) 109.

⁸ Indra Sawhney v. Union of India [1993] SC 477 [AIR]

department of govt. of Maharashtra, filed complaint against his two superior officers and as a result of this complaint, the investigating officer addressed Director of technical education to prosecute both the accused associated with this case. Then, Director refused investigating officer to entertain the proceedings and as a result of which, victim employee lodged F.I.R. against Director of technical education and thereafter, as a result of this F.I.R., Director of technical education moved to High Court to get anticipatory bail but his plea was quashed by hon'ble High Court and then he decided to move to Supreme Court and Supreme Court found that the allegations against Director were wrong and then hon'ble Supreme Court stated that the laws relating to atrocities are not to be misused by people and for lodging F.I.R. under The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, a preliminary enquiry is to be conducted by a deputy superintendent of police as well. However, the special courts are also introduced to deal with cases pertaining to The Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act. These special courts have complete power to grant/reject bail for the offences punishable under The Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989. The Allahabad High Court has also observed that an order of the special court granting/rejecting bail for the offences punishable under The Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act of 1989 is appealable before the High Court under Section 14-A of the Act of 1989.⁹ Furthermore, in order to avoid misuse of The Scheduled Caste & Scheduled Tribe (Prevention of atrocity) Act of 1989, it has been stated by hon'ble court of law in **Prithvi Raj Chauhan v/s. Union of India & others**¹⁰, that an anticipatory bail in a crime where an offence against The Scheduled Caste & Scheduled Tribe is alleged, then such an anticipatory bail can be granted only if the court is satisfied that the allegations levelled do not prima facie make out a case under The Scheduled caste and the Scheduled tribe (Prevention of atrocity) Act.

4. **Conclusions-** The objective of the proposed research work undertaken by the researcher is to generate and create high level of awareness amongst various stakeholders in respect of their rights and obligations being imparted under The Scheduled Caste's and Scheduled tribes (Prevention of atrocity) Act, 1989, for which various NGO's will act as catalyst in the following manner

1. The NGO's are and will analyze all the factors especially the socio-economic factors which resulted in commission of crime against Scheduled Caste's and Scheduled tribes.
2. The NGO's are analysing and will analyze the number of pending cases, rate of conviction, case disposition time and legal delays in relation to matters relating to atrocities against Scheduled Caste's and Scheduled tribes.
3. The functioning of special courts and special public prosecutors is to be analysed to study the causes relating to pendency of cases stated above.
4. The NGO's are analysing and will evaluate the effect and need of community empowerment program which are to be undertaken by prudent societies, people to curb the problem of atrocities. The research work will also focus on latest judicial trends and their role to guide masses at large.

⁹ Scheduled Caste/Scheduled Tribe Act/Special Court's order rejecting anticipatory bail plea appealable under section 14-A before High Court-Allahabad High Court< [SC/ST Act | "Special Court's Order Rejecting Anticipatory Bail Plea Appealable U/S 14A Before HC": Allahabad High Court \(livelaw.in\)>](#) accessed, 18 November, 2022

¹⁰ Prithvi Raj Chauhan v. Union of India & others [2020] SCC 727 (4).

Thus, it is concluded that Caste based discrimination is a bane and is a very big obstacle in the path of development of our nation. But Non-governmental organisations on the other hands are boon which can act as a catalyst to curb various problems of Indian State as well. And after conducting a lot of research on the subject, the researcher found that various Non-governmental organisations and Social activists have to focus on the following areas to make India a caste free State

1. That there is a lack of in-depth study in the area of rationality behind the existence of violence against the people belonging to Scheduled Caste's and Scheduled tribes even after so many years of Independence.
2. That the State machinery like Police fails to register the incidence of serious violence against the persons belonging to the Scheduled Caste's and Scheduled tribes as F.I.R, because of which, aim of fair investigation is difficult to achieve.
3. That the Apex Court of India time to time issued various guidelines for the protection of Scheduled Castes and Scheduled tribes on the subject but it is tiger on paper. It is ignored by Police agencies many a times.
4. That the establishment of special courts have also failed to tackle the instance of large numbers of pendency of cases relating to the atrocities against Scheduled Caste and Scheduled tribe.
5. That various Non- governmental organizations and social workers are unable to create awareness amongst masses relating to the subject that atrocities are bane for democracy, because many of them are just working on papers and not at ground reality.

Hence, it is not wrong to conclude that this research paper will provide an elementary treatment of Criminal justice administration with special references to the practical functioning of the Police which would be suitable for students in their freshman or sophomore year. Today, not only India but every society contributing to this globe aims to achieve a life full of discipline, peace and aims to achieve the course of unity in diversity. But now the question of fact is how this subjective aim is to be achieved because there are number of human minds existing on this globe who have different sort of thinking, out of which some may have bona-fide school of thought leading towards the welfare of entire globe and some may have different school of thought leading a mala-fide thought. But various jurisprudential thoughts such as reformatory theory of imparting justice are being carried on, in present day world by people associated with legal fraternity to make certain transitions in the thought process of people having mala-fide school of thought referred above. Human rights are the basic pillars to develop any society or State but, Prima facie, in order to understand the significance of human rights to develop one's personal life, there is a need to focus upon the subject of Social equality because Social equality is directly proportional to the subject of human rights. Once social equality is achieved by any targeted society, human rights ultimate and will automatically get's birth into that society as well. The subject of discipline, peace and unity in diversity referred above and which are also specifically referred in the Constitutional handbook of India, contributes equally to the path of achieving social equality along with social justice, which furthermore establishes a path to impart equal human rights to each and every person living within a particular society. Genuine freedom requires the application of social equality and social justice which is a sort of guidance for generations to come to learn more about the question and to find a satisfactorily answer to this question that What is good and What is bad for their upcoming futuristic era to come! Thus, it is not wrong to conclude that social equality and social justice are the watchdog of

Constitutional set up of India and helps to strengthen the legal framework of Indian State. Research shows that the subject of social equality and social justice correlates to higher economic growth, less inequality, great peace, improves health and aims to provide quality education and it is not wrong to conclude that both the subject's led to ultimate development of India. Thus, just like notebook is to pen, Television is to remote control, Prime Minister is to People, Leaf is to tree, Patient is to doctor, Client is to lawyer, lawyer is to court, in a similar manner Social equality and Social justice is to development of India. Hence, equality is a path to promote respect and understanding for various aspects of living a disciplined life. In a society adopting the principles of Social-equality and justice, all the individuals are provided with equal rights, liberties, duties and certain obligations towards State. So, our aim must be to enlighten the world with our good thoughts and to learn from the bona-fide experiences of others, which is the ultimate way to achieve social justice, equality which is the path to lead a progressive world. Further, the transformation which is being carried forward by most of the statutory governmental bodies of entire world, that is, from retribution to reformation school of punishment is another illustrative of the need of social equality. To implement principles of equality, all the researchers, social activists, non-governmental organizations have to play their role to create awareness amongst masses relating to policies, rules and regulations of government to establish a healthy and disciplined society away from crime as well. Articles 14, 19&21 of the Indian Constitution constitutes together to the Golden Triangle Rule of Indian Constitution.