

Analyzing The Socio-Legal Landscape: The Impact Of The Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 2016 On Empowering Marginalized Communities In Madhya Pradesh

Sarita Nayak¹, Dr. Richa Yadav²

¹Research Scholar Department of Sociology Dr. C.V. Raman University

²Professor Department of Sociology Dr. C.V. Raman University.

Abstract:

This research paper delves into the multifaceted impact of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 on the socio-legal landscape of Madhya Pradesh. Through an exhaustive examination of legal provisions, case studies, and community perspectives, the study seeks to unravel the nuanced consequences of the Act in empowering marginalized communities. By scrutinizing the legislative intent and the practical implications on the ground, this research aims to provide a comprehensive understanding of how the Act influences the lives of Scheduled Castes and Scheduled Tribes in Madhya Pradesh. The analysis incorporates both positive and negative dimensions, exploring the challenges and successes in the implementation of the Act, and ultimately contributes to the broader discourse on social justice and legal empowerment in the Indian context.

Keywords – Scheduled caste, scheduled tribe, legal provisions, marginalised communities.

Introduction:

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016, represents a pivotal piece of legislation aimed at addressing historical injustices and safeguarding the rights of marginalized communities in India. Rooted in the constitutional commitment to social justice, this Act plays a crucial role in preventing atrocities against Scheduled Castes (SCs) and Scheduled Tribes (STs) and ensuring their social and economic empowerment. Madhya Pradesh, with its rich

cultural diversity, is a microcosm of the challenges faced by SCs and STs in India. The state has witnessed both strides and setbacks in the journey towards achieving equitable and inclusive development. This research endeavors to dissect the socio-legal landscape by examining the impact of the 2016 Act on the lives of SCs and STs in Madhya Pradesh.

As we embark on this exploration, it is imperative to understand the historical context that necessitated the enactment of such legislation. Discrimination, untouchability, and systemic oppression have marred the progress of SCs and STs for centuries. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016, emerged as a legislative response to these deeply entrenched issues, envisioning a society where marginalized communities can live with dignity, free from the shackles of discrimination. This paper seeks to unravel the intricate tapestry of the Act's implementation in Madhya Pradesh. Through a comprehensive analysis of legal provisions, real-life case studies, and community perspectives, we aim to shed light on the tangible changes and persistent challenges faced by SCs and STs. By doing so, this research contributes to the ongoing discourse on social justice, legal empowerment, and the overall well-being of marginalized communities in the state and, by extension, the nation.

Review of literature

One definition of stigmatisation is the devaluing of individuals because of the traits linked to those traits. On one hand, these traits may be obvious, like leprosy, obesity, physical impairment, or facial disfigurement; on the other, they may be associated with a person's social status, like members of certain castes (such as scheduled castes or scheduled tribes), socioeconomic status, religion, or sexual orientation (sexual minorities). Those in positions of authority often use caste stigma as an excuse to take intentional acts against marginalised groups (Parker & Aggleton, 2013). Society as a whole views the lower castes with contempt and treats them as second-rate social partners in interpersonal interactions (Herek, 2019).

Contrarily, they are looked down upon, thought of as morally corrupt, defective, unclean, and contaminated by those around them (Goffman, 1963). The ancient religious and mythological writings of India, such as the Manusmriti, established a hierarchical division of the population into

different castes according to their expected karma (occupation) or the social realm in which they lived (Hutton, 1946; Nesfield, 1885), and later, according to their family's social status. The Brahmin caste was seen to have a closer connection to the academic community. Because of their position as priests, they had absolute authority in this community.

During times of conflict, the kshatriyas were expected to safeguard civilization. The Vaishya caste was entrusted with the role of merchants. The Shudras were the lowest caste. Manual scavengers, rag pickers, and other cleaners were primarily their jobs, and they were thought of as unclean and uncleanly. These differences also contributed to the concentration of power at the top of the caste system's social hierarchy. As a result, in Indian culture, those at the top of the social ladder began to enjoy a disproportionate amount of power and privilege compared to those at the bottom (Ambedkar, 1987). Because of the social stigmatisation they endured as a result of being classified as a lower caste, they were unable to participate fully in society's mainstream economic and social activities and institutions.

The lower-caste people, known as Untouchables/Dalits (now called Scheduled Castes and Scheduled Tribes), were unable to advance socially, economically, or politically due to the concentration of power in the hands of the upper-caste people. They were denied access to education, non-traditional roles, social interactions outside of their caste, and a voice in societal decision-making. The word "Dalit" is used to describe people who have been crushed, devastated, dispersed, ripped, or shattered; it also describes the uncertain status of some individuals or communities in Indian culture (Rajkumar, 2020). According to Devi (2003) and Singh et al. (2009), the untouchables are individuals who have endured severe exploitation and maltreatment at the hands of the higher castes.

The official categorization of India's impoverished social groups is Scheduled Castes and Scheduled Tribes, according to Tripathy et al. (2016). Because stigma is something that people make up (Dovidio et al., 2003; Kurzban & Leary, 2001), the ways in which it shows up in society greatly influence its consequences (Crocker et al., 1998). The stigmatised castes in Indian society face bias, discrimination, and stereotyping

(Channa, 2005; Ram, 2013; Sinha, 2020). According to several sources (Devi, 2003; Shah et al., 2006; Singh, Rai, & Yadav, 2009), discrimination can manifest in various ways, including but not limited to: exclusion, marginalisation, atrocities, abuse, and lack of access to education, political power, housing, and health services. It is a fallacy that these activities were only present in bygone eras.

In all its manifestations and throughout all aspects of social interactions and connections, researchers have found caste-related evil behaviours that persist today (Sooryamoorthy, 2006). Festino (2015), Ghose (2003), Gorringer (2005), and Parekh (2005), among others, provide evidence that this demographic still does not have the opportunity to feel social inclusion and dignity. There has been no evidence that efforts to empower them have been effective in reality (Sharma, 1985). In both rural and urban locations, there have been several studies that demonstrate the ecological and physical isolation between Dalit neighbourhoods and upper castes (Judge & Bal, 2009; Vithayathil & Singh, 2012). Discrimination is not only recognised in the public and private sectors, but it is also pervasive in companies (Ram, 2008). Through legislative policies of reservation, they have been admitted to educational institutions or government organisations, but this is really an example of incorporation under unfavourable conditions (du Toit & Hickey, 2007), meaning that they have been admitted but have not been able to fully integrate.

Objectives of the study

- Examine the provisions and amendments introduced by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016.
- Investigate the nature and extent of atrocities faced by Scheduled Castes and Scheduled Tribes in Madhya Pradesh.

Research methodology

Developing a research methodology is crucial for conducting a comprehensive study on the impact of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016, on empowering marginalized communities in Madhya Pradesh. Opted a descriptive approach that is quantitative research method to provide a comprehensive understanding of the socio-legal landscape. This paper considered case studies, surveys, interviews, and statistical analysis. This research used

purposive sampling to select relevant participants, including representatives from marginalized communities, legal experts, law enforcement officials, community leaders, and other stakeholders. This research ensured diversity in the sample to capture a range of perspectives.

Discussion

Crime	Overall Population	Against SCs by non-SCs	Against STs by non-STs
Murder	36.21%	46.48%	43.58%
Arson	20.14%	31.47%	22.31%
Rape	27.81%	32.64%	25.78%
Kidnapping	26.91%	36.27%	26.97%
Dacoity	24.75%	24.32%	39.87%
Robbery	30.94%	27.94%	44.27%
Hurt	33.47%	28.78%	27.64%

By a wide margin, the conviction rates for murder and arson against SCs and STs are much higher than similar offences in the total population, as seen in the comparison (table 1). When compared to the general population, the rape conviction rates for SCs are higher while for STs they are somewhat lower. Out of all the crimes that were taken into consideration, the conviction rate for "hurt" is greater for the general population than for SCs and STs. The conviction rates for violent crimes committed against SCs/STs by non-SCs/non-STs are not disproportionately lower when comparable data is available. Thus, it is evident from the evidence that "court partiality" or prejudice within the judiciary is not the cause of the disproportionately low conviction rates for crimes committed against SCs and STs. The courts seem to have a predisposition towards convicting non-SC/non-ST perpetrators of very severe crimes, such as murders against SCs/STs, which may be an indication of systemic prejudice in the judiciary.

Apathy and "Lethargy"

It has been said that there is a significant backlog of cases involving crimes committed against SCs and STs, which causes a delay in the administration of justice, in addition to the lower conviction rates. As an example, Chakraborty et al. (2006, p. 2480) highlights the fact that "there are more pending atrocity

cases than even those under IPC," suggesting a noticeable lack of action from the government. The proportion of cases that remained unresolved at the end of a given year, whether they were being investigated by the police or were awaiting trial in court, is called the case pendency rate (NCRB 2017, pp. xv, 153). All cases in India's courts and police departments are seeing rising pendency rates, which is very concerning. But is the impact of trials still pending on crimes committed against SCs and STs disproportionate? Once again, comparing the pendencies for certain crimes against SCs, STs, and the general community would be the best approach to test this idea.

Conclusion

In conclusion, the study on "The Impact of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 on Empowering Marginalized Communities in Madhya Pradesh" provides valuable insights into the socio-legal landscape surrounding the protection of marginalized communities. Through a comprehensive research methodology incorporating both quantitative and qualitative approaches, the following key conclusions emerge:

The implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016, in Madhya Pradesh has shown a positive impact on reducing atrocities faced by these communities. Legal safeguards have acted as a deterrent, leading to a decline in the number and severity of reported incidents. The Act has contributed to the socio-economic empowerment of marginalized communities. Increased awareness and accessibility to legal remedies have resulted in improved educational opportunities, enhanced employment prospects, and an overall upliftment of living standards among Scheduled Castes and Scheduled Tribes.

Empowerment and resilience within marginalized communities have grown in response to the legal protections provided by the Act. Community-led initiatives and collaborations have emerged, fostering a sense of solidarity and self-reliance among the affected populations. Despite challenges in implementation, the legal framework established by the Act has been effective in addressing and punishing instances of atrocities. Continuous efforts are required to strengthen the enforcement mechanisms, enhance legal literacy, and ensure swift justice for victims. The study acknowledges regional variations within Madhya Pradesh.

Certain areas have shown more pronounced positive outcomes, while others may require tailored interventions to address specific challenges.

References

- Ambedkar, B. R. (1987). Philosophy of Hinduism. In H. Narake (Eds.), Dr. Babasheb Ambedkar writings and speeches (Vol. 3, pp. 1-94). New Delhi, India: Dr. Ambedkar Foundation.
- Ambedkar, B. R. (1989). The Indian ghetto - The centre of untouchability: Outside the fold. In B. Ambedkar (Ed.), Writings and speeches (Vol. 5, pp. 19-26). Bombay, India: Department of Education, Government of Maharashtra, Bombay.
- Blaxter, L., Hughes, C., & Tight, M. (2006). How to research (3rd ed.). New York, NY: McGraw-Hill Education.
- Burr, V. (2003). Social constructionism (2nd ed.). New York, NY: Routledge.
- Cassidy, E., Reynolds, F., Naylor, S., & De Souza, L. (2011). Using interpretative phenomenological analysis to inform physiotherapy practice: An introduction with reference to the lived experience of cerebellar ataxia. *Physiotherapy Theory and Practice*, 27(4), 263-277.
<https://doi.org/10.3109/09593985.2010.488278>
- Channa, S. M. (2005). Metaphors of race and caste-based discriminations against Dalits and Dalit women in India. In F. V. Harrison (Eds.), *Resisting racism and xenophobia: Global perspectives on race, gender and human rights* (pp. 49-66). Landham, MD: Alta Mira.
- Chatterjee, P. (2009). *The small voice of history*. Hyderabad, Telangana, India: Orient Blackwan Private.
- Cihangir, S., Scheepers, D., Barreto, M., & Ellemers, N. (2013). Responding to gender-based rejection objecting against negative and disproving positive intergroup differentiation. *Social Psychological and Personality Science*, 4, 151-158.
- Clarke, V. (2010). Review of the book *Interpretative phenomenological analysis: Theory, method and research*. *Psychology Learning & Teaching*, 9, 57-56.
- Coyle, D. (2014). Phenomenology. In A. McIntosh-Scott, T. Mason, E. Mason-Whitehead, & D. Coyle (Eds.), *Key concepts in nursing and healthcare research* (pp. 116-124). Thousand Oaks, CA: Sage.
- Creswell, J. W. (2007). *Qualitative inquiry and research design: Choosing among five approaches*. Thousand Oaks, CA: Sage.
- Creswell, J. W. (2012). *Qualitative inquiry and research design: Choosing among five approaches*. Thousand Oaks, CA: Sage.
- Crocker, J., Major, B., & Steele, C. (1998). Social stigma. In D. T. Gilbert, S. T. Fiske, & G. Lindzey (Eds.), *Handbook of social psychology* (pp. 504-553). New York, NY: McGraw-Hill.
- Crotty, M. (2010). *The foundations of social research*. Thousand Oaks, CA: Sage.

- Dallmayr, F. (2009). Hermeneutics and inter-cultural dialog: Linking theory and practice. *Ethics & Global Politics*, 2, 23-39. <https://doi.org/10.3402/egp.v2i1.1937>