



The Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989: Maharashtra's Data Paradox: Rising Reports, Stagnant Justice

¹Sunil Bharadwaj, ²Dr. S. P Mishra, ³Dr. Falaknaz Shaikh

¹Research Scholar, ²Head of Department, ³Assistant Professor
Department of Law,
Chhatrapati Shivaji Maharaj University, Navi Mumbai, India

ABSTRACT

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, represents a landmark legislative effort to combat caste-based violence in India. This paper focuses on Maharashtra, a state that presents a critical paradox in the Act's three-decade history: while consistently reporting a high volume of atrocities, it simultaneously suffers from alarmingly low conviction rates that often fall below the national average. This study meticulously dissects the systemic barriers responsible for this implementation gap. It identifies key failures within the policing apparatus, including caste bias and flawed investigations, and critiques the judiciary's inability to deliver speedy justice through functional special courts, leading to staggering case pendency. The analysis highlights how the 2015 and 2018 amendments, while boosting case registrations by reinforcing legal protections, have failed to translate into higher convictions due to these entrenched structural flaws. Using case studies like the Khairlanji massacre, the paper demonstrates how social intimidation and a vacuum of accountability further victimize survivors and derail justice. The central argument is that the Act's potential in Maharashtra remains unrealized not due to legislative deficiencies, but because of deep-seated institutional apathy and societal resistance. Ultimately, the paper contends that transforming the PoA Act from a largely punitive framework into a proactive tool for social justice in Maharashtra requires a concerted, multi-stakeholder strategy. This includes enhancing the capabilities of investigators and prosecutors, enforcing strict accountability for timely trials, and fostering robust collaboration between the state, judiciary, and civil society to dismantle the entrenched barriers to justice.

Keywords: Justice, Investigators, Atrocities, Caste.

INTRODUCTION

Maharashtra has always been gripped by a wave of intense caste-related turmoil, largely centered around a series of mass demonstrations by the Maratha community, "Maratha Kranti Mook Morchas" (silent marches) were organized, with various taking place within Maharashtra and others held domestically and internationally. These protests were notably peaceful, contrasting with the more violent quota agitations seen in other communities.

Detailed examination of national crime data reveals a deeply uneven landscape for caste atrocities, with Maharashtra presenting a particularly critical case study. While states like Uttar Pradesh and Bihar report high volumes, Maharashtra consistently registers an alarming number of cases under the PoA Act. However, this high rate of reporting does not translate to successful prosecutions; the state's conviction rate has often lingered below the national average of approximately 28% over the last decade. This paradox indicates that while legal awareness may have grown, the pathway to justice remains fraught with obstacles.

The immediate catalyst for the mobilization was the brutal assault and murder of a Maratha girl in Kopardi, Ahmednagar, and an incident for which three Dalit men were accused. The organizing body, the Maratha Kranti Samiti, articulated a clear set of demands: capital punishment for the accused in the Kopardi case, the repeal of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, over claims of its misuse, the long-pending extension of reservations for Marathas in education and public sector jobs, and the implementation of the National Commission on Farmers' recommendations.

These Maratha agitations prompted significant counter-movements. The OBC community staged a rally in Nashik to oppose the inclusion of Marathas within their quota. The Dalit leadership's response was fragmented; while Union Minister Ramdas Athawale called for counter-protests, leader Prakash Ambedkar viewed the Maratha mobilization as a strategic ploy by the Rashtriya Swayamsevak Sangh (RSS) designed to provoke Dalits and ignite village-level caste conflicts where they would be at a disadvantage. Nevertheless, Dalit protests continued under a broader "Bahujan" identity. This period of unrest has profoundly intensified caste affiliations and tensions throughout the state.

Despite these stricter laws and increased willingness to report, a disturbing chasm persists between reporting and convictions. For over three decades, the national conviction rate has rarely surpassed 35%, and Maharashtra mirrors this trend. Acquittals are frequently the result of witness hostility, compromised investigations, and procedural flaws. More troubling is the staggering pendency rate, which in many districts of Maharashtra exceeds 85%. These extended waits not only erode faith in the judiciary but also deter future survivors from coming forward.

Year	Cases against SCs	Cases against STs	Total Cases (Approx)
2015	1,736	403	2,139
2016	1,688	464	2,152
2017	1,807	507	2,314
2018	1,947 (approx)	639	2,586 (approx)
2019	2,569	691 (approx)	3,260 (approx)
2020	2,569	691 (approx)	3,260 (approx)
2021	2,503	691 (approx)	3,194 (approx)
2022	2,743	742	3,485

Reference: <https://socialjustice.gov.in/writereaddata/UploadFile/cr-pcrpoa.pdf>

METHODOLOGY

To achieve a comprehensive understanding of the PoA Act, 1989's effectiveness over the past thirty years, this research utilizes a mixed-methods framework. A key component involves the quantitative analysis of statistical data from the National Crime Records Bureau (NCRB) for the period 2015 to 2024. This data is used to track longitudinal trends in case registrations, conviction rates, and the overall patterns of caste-motivated violence. Ultimately, this examination seeks to answer a critical question: have the more stringent legal amendments successfully created a deterrent effect or tangibly improved justice outcomes for victims?

TRENDS AND STATISTICAL ANALYSIS

Over the past three decades, the data on caste-based atrocities under the PoA Act, 1989 has presented a multifaceted picture. On the one hand, the number of cases being reported has gone up a lot, from less than 15,000 a year in the early 1990s to more than 50,000 in recent years. Higher victims have come forward because of higher public awareness, tighter legislation, and more media attention. The constant rise in numbers, on the other hand, is also a sign of the harsh truth: caste-based violence and prejudice are still quite common, especially in rural and semi-urban regions.

The changes to the Act in 2015 and 2018 seem to have had anything to do with this tendency. The changes made it simpler for victims to register complaints by making the definition of an atrocity broader and providing greater procedural protections. Not unexpectedly, these reforms led to big increases in the number of cases filed. But more reporting should not be confused with more deterrent. It shows that even while the law is easier to understand, the social divisions that cause caste-based crimes are still mostly the same.

The SC/ST (PoA) Act was changed in 2015, which was a turning point. It made the legislation stronger by widening the scope of atrocities, creating new crimes, and requiring special tribunals to handle them. The effect was virtually immediate; from 2016 to 2018, the number of instances recorded went up a lot. This was mostly because the amendment included things that had been common in rural India for a long time, such social and economic boycotts or denying access to land and water supplies. For a lot of groups, this was the first time that these kinds of discriminatory actions were seen as crimes by the law.

The legislation got even stronger with the 2018 change. The Supreme Court's contentious verdict in Subhash Kashinath Mahajan Vs State of Maharashtra led to this law being passed. It reversed procedural relaxations for public officials and brought back rules such being able to arrest someone right away without a preliminary inquiry (Rao, 2019). The numbers tell a story: following this change, case registrations went back up, which means that SC/ST groups felt that the Act still had meaningful protective authority.

But even if the rules are stricter and more victims are coming forward, there is still a disturbing gap between reporting and prosecutions. For more than 30 years, the national conviction rate has seldom gone beyond 35%. Acquittals often happen because of hostile witnesses, bad investigations, or mistakes in the process. Even more worrying, the pendency rate for atrocity cases is over 85% in several states. This means that victims and their families have to fight in court for years, sometimes even longer (Singh, 2021). These extended waits not only make people less likely to trust the judicial system, but they can also make survivors less likely to disclose crimes in the first place.

There are problems with institutions that make the issue worse. Even though the law says they need to, many states still don't have exclusive special courts that work properly. When courts are alerted, they are often too busy, not enough personnel, or seen as just another part of the regular criminal docket. This implies that instances of atrocities have to compete with other criminal cases, which makes things even slower (Bhatia, 2020). The issue also affects the prosecution system. Prosecutors typically don't have

much or any training in atrocity law, which makes it harder for them to handle these delicate cases appropriately. Even in states that have set up special courts, official data reveals that the average time it takes to dispose of a case is far longer than the legal aim of two months from the filing of the charge sheet. This means that the law's promise of "speedy justice" is mostly not kept in practice.

BARRIERS TO EFFECTIVE IMPLEMENTATION

1981 - 2021 के दौरान भा. द. सं. के तहत अपराध: एक दृष्टि में

क्रमांक	वर्ष	भा.द.सं. के तहत कुल अपराध			क्रमांक	वर्ष	भा.द.सं. के तहत कुल अपराध		
		आपराधिक घटनाएँ	अपराध दर	आरोप पत्र की दर			आपराधिक घटनाएँ	अपराध दर	आरोप पत्र की दर
1	1981	1385757	200.8	61.3	22	2002	1780330	169.5	80.0
2	1982	1353904	192.0	65.3	23	2003	1716120	160.7	80.1
3	1983	1349866	187.4	67.3	24	2004	1832015	168.8	79.8
4	1984	1358660	184.7	67.9	25	2005	1822602	165.3	80.7
5	1985	1384731	184.4	70.2	26	2006	1878293	167.7	80.6
6	1986	1405835	183.5	71.1	27	2007	1989673	175.1	80.1
7	1987	1406992	180.1	72.4	28	2008	2093379	181.5	79.8
8	1988	1440356	180.8	70.7	29	2009	2121345	181.4	78.4
9	1989	1529844	188.5	72.3	30	2010	2224831	187.6	79.1
10	1990	1604449	194.0	70.2	31	2011	2325575	192.2	78.8
11	1991	1678375	197.5	71.3	32	2012	2387188	196.7	78.8
12	1992	1689341	194.7	72.2	33	2013	2647722	215.5	79.5
13	1993	1629936	184.4	72.5	34	2014	2851563	229.2	79.6
14	1994	1635251	181.7	74.1	35	2015	2949400	234.2	77.7
15	1995	1695696	185.1	74.3	36	2016	2975711	233.6	72.9
16	1996	1709576	183.4	76.9	37	2017	3062579	237.7	70.7
17	1997	1719820	180.0	77.5	38	2018	3132955	236.7	68.1
18	1998	1778815	183.2	77.8	39	2019	3225597	241.2	67.2
19	1999	1764629	178.9	78.0	40	2020	4254356	314.3	75.8
20	2000	1771084	176.7	78.4	41	2021	3663360	268.0	72.3
21	2001	1769308	172.3	78.6					

The way cases are probed and policed is one of the main problems with making the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 work. The legislation says that FIRs must be filed right away and that investigations must be led by senior officials (not lower than the level of Deputy Superintendent of Police), however this is not often the case. Many cases are delayed when they are filed, evidence is not collected properly, and mistakes in the process make the prosecution weaker before it ever gets to court. Studies demonstrate that police officers in certain jurisdictions don't have enough training to deal with situations of horrible crimes. Because of this, accusations are sometimes worded wrong and important information, such the caste-based reason for the crime, is kept out. Since showing the caste angle is the most important part of getting a conviction under the Act, these mistakes are very bad for victims who want justice (Dubey, 2019). In addition to this, police officers' own caste bias might cause them to refuse to file cases

or lower the charges to minor offenses, which takes away the safeguards that the law gives victims.

The legal system is another big problem. The Act says that every district must set up special courts just for quick trials, yet many of them either don't exist or have judges who are too busy with other duties. This creates huge backlogs, and trials can take years to finish. Long delays not only make the law less effective as a deterrent, but they also wear out victims and their families, making them less inclined to follow through with their claims (Chakraborty, 2021). These delays also give people time to intimidate victims and witnesses, who may be bullied, intimidated, or forced to change their stories, which often leads to acquittals. Even with the changes made in 2015 and 2018 to try to speed things up, conviction rates have hardly changed because of long-standing difficulties with how the courts are run.

The victims also have to deal with a lot of social shame and intimidation at the communal level, which makes things more badly. In a lot of rural regions, caste systems are still very strong. Just filing a lawsuit under the Act can lead to strong response, such as boycotts, threats, or violence against the family of the person who filed the complaint. Witnesses, sometimes hailing from the same underprivileged areas, are similarly susceptible to coercion or incentives, leading to antagonistic testimony or retractions in court. State witness protection programs do exist, but they are not often used in situations of atrocities. This means that survivors and their families are left vulnerable for the years it takes to finish a trial (Mishra, 2020). The fear of reprisal, together with the prospect of losing one's job or perhaps one's home, makes

people less likely to disclose crimes in locations where powerful caste groups control local government and law enforcement.

However, the Act's effects are lessened by a lack of resources and insufficient monitoring mechanisms. The legislation says that there should be victim relief, rehabilitation, and vigilance committees at the state and district levels. However, these committees don't always convene and don't hold officials accountable. The money set aside for victim compensation, legal aid, and awareness initiatives is either not used enough or is delayed, which means that survivors don't get the help they need right away or in the long term. Also, there isn't much cooperation between the police, prosecutors, and welfare authorities, which makes responses fragmented and inefficient (Sen, 2022). Without more institutional accountability, even the most progressive parts of the Act are just paper promises. This makes it hard for victims to get help since the system is sluggish, broken, and frequently unfriendly.

CONCLUSION

The story of untouchability and atrocities in Maharashtra is a stark and powerful narrative of oppression and resistance. It is a history that contains the darkest depths of human cruelty, exemplified by the Peshwa-era disabilities and the Khairlanji massacre. But it is also a history illuminated by the radiant courage of its reformers and revolutionaries. From the spiritual defiance of Chokhamela to the radical social critique of Jyotirao Phule, and finally, to the intellectual and political genius of Dr. B.R. Ambedkar, Maharashtra has been the epicenter of India's struggle against caste.

The post-independence era has seen significant progress. The legal framework is robust, and a politically conscious and empowered Dalit community is a force to be reckoned with. Yet, as the persistence of violence and the deep-seated nature of caste prejudice demonstrate, the struggle is far from over. The "annihilation of caste" that Ambedkar dreamed of remains an unfinished project. Maharashtra's journey, with its unique blend of brutal history and heroic resistance, serves as both a warning and an inspiration. It is a warning of how deeply ingrained social hierarchies can be, and an inspiration of how human spirit, armed with knowledge, courage, and a relentless quest for justice, can challenge and change the very foundations of society. The fight for true social justice, where every individual is treated with dignity and equality, continues to be the central moral and political challenge for Maharashtra and for India.

REFERENCE

1. Sonawane, Rakshit (2016): "Maharashtra Caste Polarisation: Maratha Community Flexes Muscle Against SC/ST Protection Law," Firstpost, 5 September, <http://www.firstpost.com/politics/maharashtra-caste-polarisation-maratha-community-flexes-muscle-against-scst-protection-law-2990954.html>.
2. Times of India (2016a): "3,600 Crimes Against Dalits in Maharashtra in 18 Months, Relief Paid in 40% of Cases," 25 September, <https://timesofindia.indiatimes.com/city/mumbai/3600-crimes-against-dalits-in-maharashtra-in-18-months-relief-paid-in-40-of-cases/articleshow/54503123.cms>.
3. (2016b): "Only 14 Convictions in SC/ST Atrocity Cases This Year in Maharashtra," 29 September, <https://timesofindia.indiatimes.com/city/mumbai/Only-14-convictions-in-SC/ST-atrocity-cases-this-year-in-maharashtra/articleshow/54592547.cms>.
4. Trivedy, Shikha (2016): "Marathas vs the Dalits: The Seething Caste War in Maharashtra," 27 September, <http://www.ndtv.com/india-news/maharashtra>. www.marathakrantimorcha.org, accessed on 10 January 2017.