

India must have a strong law in favour of Dalits

What good does a toughly worded law do if it is rendered toothless on the ground?

This question has roiled India since the Supreme Court struck down key provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, on March 20, banning automatic FIRs, arrests and providing for anticipatory bail provisions. The decision immediately sparked violent protests by Dalit groups, who saw the judgment as a dilution of the only law protecting them against bias and discrimination. After months of criticism by Dalits, opposition parties, even some members of the ruling coalition, the Union Cabinet cleared a bill effectively rolling back the top court's changes, and restoring the original version of the act.

The decision is unlikely to drastically change ground-level implementation of the law, which is hobbled by widespread bias against SC/ST communities. The conviction rate under the law was around 16% in 2016, according to the National Crime Records Bureau, and was in single digits in states such as Karnataka. The difference in social standing between the accused, who are from dominant communities, and poor Dalit complainants, ensures that police investigations often collapse, and the cases don't end up in conviction. Even cases of major atrocities, such as the Laxmanpur Bathe massacre in Bihar in 1997 which killed 58 people, don't end in convictions.

But in a country as diverse and complex as India, the impact of a law cannot be gauged merely with data. The importance of the SC/ST Act lies in symbolism and the notion of power and dignity it bestows on Dalits and tribals. After it was introduced in 1989, the SC/ST Act fundamentally altered the power structure between castes, especially in rural areas where upper castes have a stranglehold on police and political power. For the first time, a poor landless labourer could file a case against his landed master without getting cowed by the police and local, upper-caste muscle power. This is why the SC/ST Act bred widespread resentment among upper caste communities, who, for the first time, faced a challenge from men and women they had never considered their equal.

The situation is not unlike Section 377 of the Indian Penal Code that criminalises consensual same-sex acts. Activists opposing the British-era law say prejudice against the Lesbian, Gay, Bisexual and Transgender community is unlikely to vanish soon, but add that the reading down of the law is essential to beginning the process of ending discrimination. Similarly, the SC/ST Act might not always result in a conviction, but its presence is required to prevent upper-caste aggression in a country where caste power and brutality are grim realities.

First Published: Aug 02, 2018 19:24 IST

END

Downloaded from crackIAS.com

© **Zuccess App** by crackIAS.com