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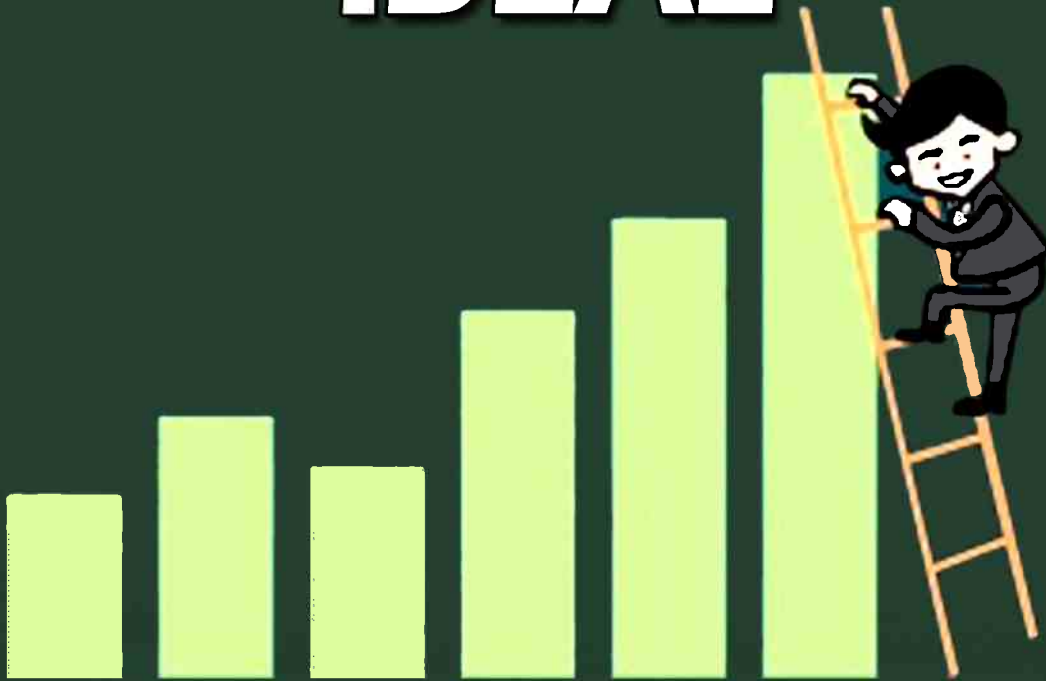
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2. Increasing Atrocities towards SC's & ST's Due to Poor Implementation of Atrocity Act

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Abstract

Despite the Prevention of Atrocities Act, the Scheduled Castes (SCs) and Scheduled Tribes (STs) in India still experience violence and discrimination. The efficacy of the law is hampered by poor execution, low conviction rates, police inaction, and societal biases. Economic and political marginalization results from caste-based prejudice that endures in public places, workplaces, and educational institutions. According to data analysis atrocities against SCs and STs are on the rise, and there are more and more unresolved cases and insufficient court responses. While government financial assistance has been allocated for implementation, a sharp decline in funding in 2022-23 raises concerns. Strengthening law enforcement, increasing awareness, ensuring faster trials, and enhancing socio-economic support for SCs and STs are essential for effective legal protection and social justice.

Key Words: Discrimination & Atrocity, SC & ST, PoA Act 1989

Introduction

The Scheduled Castes (SC) and Scheduled Tribes (ST) communities in India have long faced discrimination, social exclusion, and violence. To protect their rights and ensure justice, the Indian government enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, commonly known as the Atrocity Act. This law aims to prevent crimes against these marginalized groups and provide them with legal safeguards.

However, despite the existence of this legislation, atrocities against SCs and STs continue to rise due to poor implementation and lack of strict enforcement. Factors such as delayed justice, low conviction rates, lack of awareness, police inaction, and societal biases have weakened the effectiveness of the law. As a result, caste-based violence, discrimination in employment, education, and public spaces, and denial of basic rights persist in various parts of the country.

Addressing these issues requires stronger legal enforcement, awareness programs, and social reforms to ensure that the Atrocity Act serves its intended purpose of protecting the dignity and rights of SCs and STs.

Discrimination towards SCs & STs

Despite legal safeguards and affirmative action policies, Scheduled Castes (SCs) and Scheduled Tribes (STs) continue to face systemic discrimination and violence in India. Caste-based hierarchies persist in social, economic, and political domains, leading to exclusion, oppression, and atrocities against marginalized communities.

Social Discrimination

SCs and STs frequently experience denial of services, caste-based segregation, and exclusion from public areas.

Untouchability

Despite being outlawed by the Protection of Civil Rights Act of 1955, untouchability persists in a number of ways, including social boycotts, segregated drinking water sources, and refusal of access into temples.

Discrimination in Education

Dalit and Adivasi students frequently experience prejudice in academic institutions. It is not uncommon for upper-caste professors and students to harass others.

Housing Segregation

SCs and STs are still compelled to live apart in colonies, apart from the majority caste groups, in many rural and urban regions.

Economic Discrimination

Equal opportunities in business and employment are frequently denied to SCs and STs. Many are compelled to work in low-wage, caste-based jobs like bonded labor, agricultural labor, and manual scavenging.

Unemployment and Underemployment

Due to caste bias in hiring, many Dalits and Adivasis find it difficult to obtain stable employment despite quota regulations.

Exploitation in Rural Areas

A large number of SC and ST people rely on dominant caste landlords for employment, which frequently results in pay suppression and bonded labor.

Manual Scavenging

Thousands of Dalits are still compelled to manually clean human waste and unblock sewers in spite of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013.

Political Discrimination

Denial of Voting Rights

SCs and STs are sometimes denied the right to vote in rural regions, or they are compelled to support politicians from the majority caste.

Violence against Dalit Leaders

For standing out for their rights, Dalit politicians and activists frequently encounter threats, acts of violence, and even assassination.

Tokenism in Politics

Although reservation laws guarantee SC/ST participation, many Dalit leaders are compelled to support the political agendas of the ruling caste, which restricts their capacity to effect meaningful change.

Atrocities against SCs and STs

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted to curb caste-based violence, but crimes against SCs and STs remain alarmingly high.

Types of Atrocities

Honor killings and Lynching's: Dalits and Adivasis are frequently attacked for merely claiming their rights, getting married outside of their caste, or converting to another religion.

Sexual Violence: As a way to repress their communities, Dalit and Adivasi women are regularly the targets of rape and sexual abuse.

Public humiliation and social boycotts: Often, entire SC or ST communities experience social and economic boycotts, which makes it hard for them to survive.

Reasons for Rising Atrocities

1. Weak Law Implementation

The Atrocity Act is frequently not applied correctly, and victims are subjected to prejudice by the police and courts.

2. Caste-Based Patriarchy

Due to both gender and caste prejudices, Dalit and Adivasi women experience double persecution.

3. Economic Backwardness

Due to their continued economic reliance on the dominant castes, many SCs and STs are at risk of exploitation.

4. Political Marginalization

Caste-based politics frequently perpetuate prejudice rather than eradicate it, even in the face of legal protections.

5. Lack of Awareness

Because many SC/ST victims are not aware of their legal rights, fewer crimes are reported.

Statistics on Atrocities

In 2022, there was a 1.2% increase in crimes against SCs over the previous year, according to the National Crime Records Bureau (NCRB). In 2022, crimes against STs rose by 6.4%. The SC/ST Atrocities Act's low conviction rate suggests inadequate implementation.

Prevention of Atrocity Act

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, commonly known as the Atrocity Act, was enacted to prevent and punish crimes against SCs and STs. It provides legal safeguards to protect these communities from discrimination, violence, and socio-economic oppression.

Nature of the Atrocity Act

Protective Legislation

Designed to safeguard SCs and STs from atrocities committed by dominant caste groups.

Comprehensive Law

Covers physical violence, social boycotts, economic exploitation, and denial of rights.

Strict Legal Provisions

Ensures fast-track trials, special courts, and strict punishments for offenders.

Importance of the Atrocity Act

Prevents Caste-Based Crimes

Addresses lynching, sexual violence, forced labor, and denial of basic rights.

Ensures Justice

Provides special courts and witness protection for victims.

Empowers SCs and STs

Protects their dignity, socio-economic rights, and access to justice.

Power of the Atrocity Act

Non-Bailable Offenses

Atrocities under this act are cognizable and non-bailable, ensuring immediate legal action.

Enhanced Punishments

Stricter penalties compared to regular IPC sections (e.g., life imprisonment for serious crimes).

Accountability of Authorities

Government officials failing to enforce the Act face punitive action.

Compensation & Rehabilitation

Victims are entitled to financial aid, job security, and rehabilitation support.

The Atrocity Act is a powerful legal tool designed to combat caste-based discrimination and violence. However, its effectiveness depends on strict implementation, awareness, and judicial efficiency. Strengthening this Act can help ensure justice and equality for SCs and STs.

Misuse and Failure in the Implementation of the Prevention of Atrocity Act

While the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is crucial for protecting marginalized communities, it has faced criticism for both misuse and implementation failures.

Misuse of the Atrocity Act**False Allegations**

In some instances, complaints are filed due to personal enmity, land disputes, or political rivalry.

Harassment of Innocent Individuals

Since offenses under the Act are non-bailable, accused persons may face undue hardship even before trial.

Judicial Observations

The Supreme Court of India, in *Subhash Kashinath Mahajan vs. State of Maharashtra (2018)*, raised concerns over false cases and introduced safeguards like preliminary inquiries (later reversed in 2019).

Failure in Implementation

Despite its strict provisions, the Act often fails due to:

Low Conviction Rates

According to NCRB reports, conviction rates under the Act remain below 30%, highlighting weak enforcement.

Delayed Justice

Cases linger in courts due to poor investigation and lack of evidence collection.

Police and Judicial Bias

Many law enforcement officers belong to dominant castes and often refuse to register FIRs or conduct fair investigations.

Fear among Victims

Many SC/ST victims avoid filing complaints due to threats, pressure, or lack of awareness about their rights.

Justification of the Study

Atrocities against SCs and STs have increased despite the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, exposing the shortcomings in its application. Examining the structural flaws that hinder the Act's ability to adequately safeguard underprivileged areas justifies this study. Caste-based violence has increased, according to National Crime Records Bureau (NCRB) reports, but academics point to poor conviction rates, police inaction, and delayed justice as major obstacles. It is essential to comprehend these challenges in order to ensure justice for victims, strengthen law enforcement, and alter policies. The purpose of this study is to shed light on the administrative, legal, and sociopolitical obstacles that reduce the Atrocity Act's efficacy and offer solutions for improving its application and enforcement.

Review of Literature

“Truth Clashes: Caste Atrocities, False Cases, and the Limits of Hate Crime Law in North India” article by Fuchs (2024) described how legal institutions can appropriate hate crime legislation and perpetuate sociopolitical oppressive tendencies. This study integrates conceptions of truth from legal anthropology and the anthropology of religion. The article makes the case that hate crime cases involve a conflict between three distinct truth logics: attributive truth or credibility; formal juridical truth regimes defined by evidentiary technicalities; and a distinct mode of experiential-discriminatory truth, defined by its processual character. It bases this claim on extensive ethnographic research on the social life of India's only hate crime law, the 1989 Prevention of Atrocities Act (PoA), which punishes violence against Dalit (ex-untouchable) communities.

Fuchs (2022) article “Rethinking the Atrocities Act: Proving Prejudice and Interpreting Evidence in Rajasthan” focused on one of the most comprehensive hate crime laws in the world, India's Prevention of Atrocities Act (PoA) seeks to both punish and prevent violence against Dalits (formerly known as untouchables) and Adivasis (tribals). However, public discussions are dominated by worries about how well it addresses historical oppression. This essay suggests that contemporary criticisms of the PoA have overlooked important issues about the social

transformation theories underlying this special law, based on in-depth ethnographic fieldwork with Dalit atrocity survivors as well as the Rajasthani police and judiciary. The study examines how systems governing legal evidence can mask the truth about hate.

In an article “An Analysis of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989” by Pranabindu Acharya and Prachi Acharya (2020) examined the purpose of the SC/ST (PoA) Act, 1989 (including the Amendment Act of 2018) and the SC/ST (PoA) Rules, 1995, as enacted by the parliament. It does additional research and documents the courts' responses to enforcing the laws in question. The article explores the difficulties in putting the Act into practice as well as the role of the judiciary in interpreting its provisions.

Nitish Nawsagaray (2018) in his essay “Misuse of the Prevention of Atrocities Act” contends that by establishing procedural protections to avoid its abuse, the Supreme Court in *Subhash Kashinath Mahajan v. State of Maharashtra* (2018) has diminished the efficacy of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The author carefully considers the ruling, talks about the court's reasoning, and looks at how it affects the protection of underprivileged groups and the application of the Act.

Madhusmita Choudhury (2017) studied “Atrocity Act & Its Awareness Level at Khordha District.” In India, crimes against Scheduled Castes (SCs) and Scheduled Tribes (STs) are sometimes referred to as atrocities, which are defined as wicked or cruel acts involving physical violence. The purpose of this study is to find out how much the people of Khordha District know about the Atrocity Act. It looks at how well-informed the local populace is about the Act's provisions and how well it works to stop atrocities against underprivileged groups.

These researches provide diverse perspectives on the implementation, challenges, and societal impact of the Prevention of Atrocities Act in India.

Method

Objectives

1. To study the nature and rate of discrimination and atrocities towards SCs and STs.
2. To search the use of Prevention of Atrocity Act by SCs and STs.
3. To investigate an implementation of Atrocity Act by police and court.
4. To search the government financial assistance for the effective implementation of Prevention of Atrocity Act.
5. To explore the relationship between increased atrocities towards SCs and STs and implementation of Atrocity Act.

Data Collection and Analysis

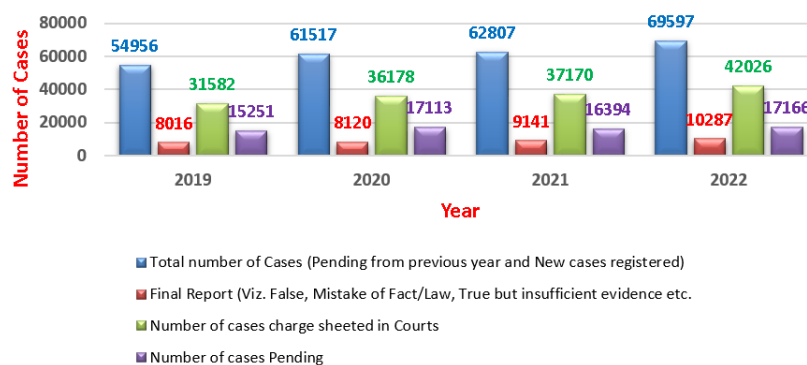
This is a descriptive/qualitative research study. The study based on secondary data which is collected from various reports under Section 21(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Year 2019 to 2022) published by Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, Government of India available on websites. Data were analyzed through tables and graphs.

Data Analysis and Discussion

Table No. 1 - Cases of offences of atrocities against members of SC registered by Police under PoA Act 1989

Sr. No.	Year	Total number of Cases (Pending from previous year and New cases registered)	Final Report (Viz. False, Mistake of Fact/Law, True but insufficient evidence etc.)	Number of cases charge sheeted in Courts	Cases quashed at investigation stage	Number of cases Pending
1	2019	54956	8016	31582	83	15251
2	2020	61517	8120	36178	62	17113
3	2021	62807	9141	37170	72	16394
4	2022	69597	10287	42026	57	17166

Graph No. 1 - Cases of offences of atrocities against members of SC registered by Police under PoA Act 1989



The data presents the number of cases of offences against Scheduled Castes (SC) under the PoA Act, 1989, recorded between 2019 and 2022. A comparative analysis reveals the following trends: The total number of cases has consistently increased from 54,956 in 2019 to 69,597 in 2022, indicating a steady rise in reported atrocities against SCs. This increase could be attributed to a rise in actual offences, better awareness, improved reporting mechanisms, or policy changes encouraging victims to come forward. The number of cases where the final report was submitted (either false, mistaken fact/law, or insufficient evidence) rose from 8,016 in 2019 to 10,287 in 2022. Despite the increase, the percentage of such cases remains relatively stable,

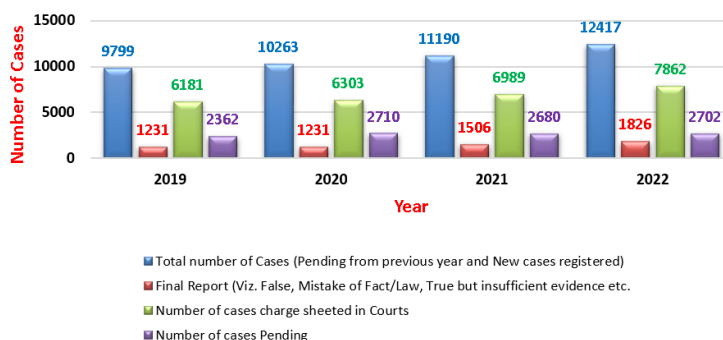
suggesting investigative scrutiny remains constant. Cases charge-sheeted saw an upward trend from 31,582 in 2019 to 42,026 in 2022, reflecting an improvement in the prosecution process and suggesting that more cases are being considered legally viable. The number of pending cases has fluctuated, increasing from 15,251 in 2019 to 17,166 in 2022. This indicates a backlog in case resolution, possibly due to judicial delays or inefficiencies in legal proceedings.

The consistent rise in cases suggests increased awareness and legal reporting, but it also highlights the persistence of caste-based atrocities in society. While the charge-sheeting rate has improved, the high number of pending cases suggests the need for speedier judicial processes to ensure justice. Authorities may need to focus on strengthening evidence collection, ensuring swift legal action, and reducing judicial delays to improve conviction rates and provide timely justice to victims.

Table No. 2 - Cases of offences of atrocities against members of ST registered by Police under PoA Act 1989

Sr. No.	Year	Total number of Cases (Pending from previous year and New cases registered)	Final Report (Viz. False, Mistake of Fact/Law, True but insufficient evidence etc.)	Number of cases charge sheeted in Courts	Cases quashed at investigation stage	Number of cases Pending
1	2019	9799	1231	6181	13	2362
2	2020	10263	1231	6303	6	2710
3	2021	11190	1506	6989	9	2680
4	2022	12417D	1826	7862	8	2702

Graph No. 2 - Cases of offences of atrocities against members of ST registered by Police under PoA Act 1989



The data presents the number of cases of offences against Scheduled Tribes (ST) under the PoA Act, 1989, recorded between 2019 and 2022.

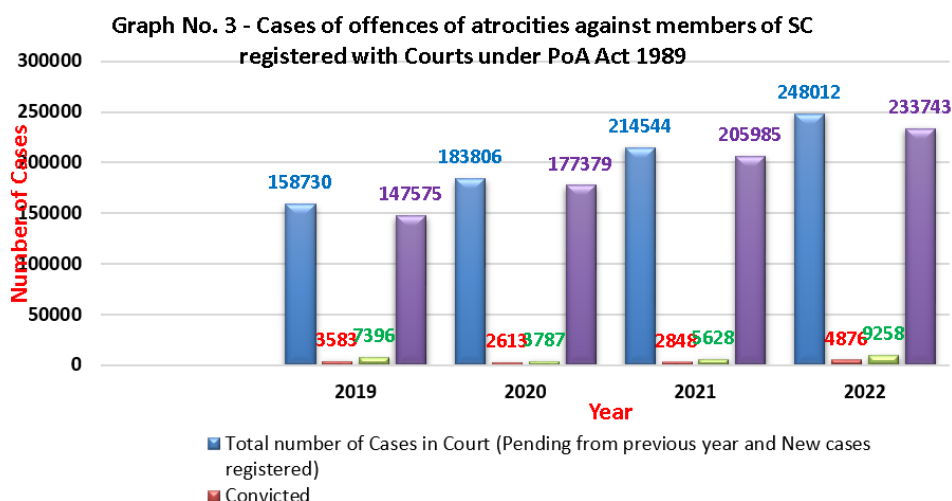
The total number of cases has increased consistently from 9,799 in 2019 to 12,417 in 2022 (26.7% rise). This upward trend suggests either a rise in atrocities or improved reporting

mechanisms. Cases categorized under final reports also increased from 1,231 in 2019 and 2020 to 1,826 in 2022 (48.3% increase). This indicates a higher number of cases deemed unfit for prosecution. The number of cases charge-sheeted in courts has grown from 6,181 in 2019 to 7,862 in 2022 (27.2% rise). A higher charge-sheeting rate suggests an improvement in investigation and legal processing. The number of pending cases remained fairly stable, from 2,362 in 2019 to 2,702 in 2022. Despite the increasing number of new cases, the backlog is not growing significantly, indicating some progress in case disposal.

The steady increase in total cases indicates either worsening social conditions for Scheduled Tribes (STs) or an improved reporting mechanism. The increase in charge-sheeting rate is a positive sign, reflecting better law enforcement action. However, the rise in cases closed due to lack of evidence suggests potential weaknesses in investigations. The stable number of pending cases indicates that the justice system is handling the increasing case load without excessive delays.

Table No. 3 - Cases of offences of atrocities against members of SC registered with Courts under PoA Act 1989

Sr. No.	Year	Total number of Cases in Court (Pending from previous year and New cases registered)	Cases abated/Withdrawn/Compounded/plea bargaining/quashed	Number of cases in which		Number of cases Pending
				Convicted	Acquitted or Discharged	
1	2019	158730	176	3583	7396	147575
2	2020	183806	27	2613	3787	177379
3	2021	214544	83	2848	5628	205985
4	2022	248012	135	4876	9258	233743



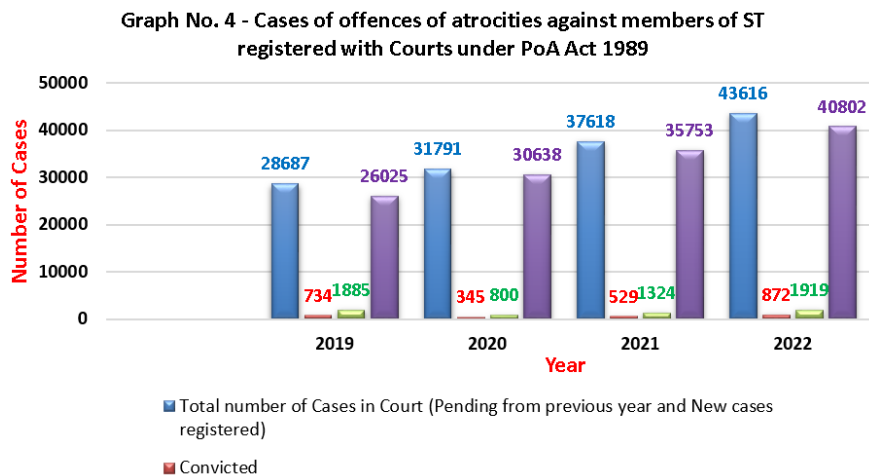
The total number of cases registered against SC under the PoA Act (1989) shows a consistent rise over the years: 2019 (1,58,730 cases), 2020 (1,83,806 cases) (15.8% increase), 2021 (2,14,544 cases) (16.7% increase) and in 2022 (2,48,012 cases) (15.6% increase). This

indicates a steady growth in reported cases, which could be due to increased awareness, better reporting mechanisms, or a rise in actual incidents. Conviction rates remain low compared to total cases. Acquittals and discharges are significantly higher than convictions each year. This suggests challenges in prosecution, evidence collection, and judicial proceedings, leading to a high number of acquittals.

The number of pending cases continues to rise, from 1,47,575 in 2019 to 2,33,743 in 2022. This reflects judicial backlog and delays in trials.

Table No. 4 - Cases of offences of atrocities against members of ST registered with Courts under PoA Act 1989

Sr. No.	Year	Total number of Cases in Court (Pending from previous year and New cases registered)	Cases abated/Withdrawn/Compounded/plea bargaining/quashed	Number of cases in which		Number of cases Pending
				Convicted	Acquitted or Discharged	
1	2019	28687	43	734	1885	26025
2	2020	31791	8	345	800	30638
3	2021	37618	12	529	1324	35753
4	2022	43616	23	872	1919	40802



The data from 2019 to 2022 highlights the trends in cases of atrocities against Scheduled Tribes (ST) registered under the PoA Act, 1989. Here’s a comparative analysis: The number of cases registered with the courts has consistently increased every year, from 28,687 in 2019 to 43,616 in 2022. This rise suggests either an actual increase in offences or improved reporting and registration of cases. The number of convictions remains very low compared to the total cases, showing a slight increase from 734 in 2019 to 872 in 2022. Acquittals and discharges also increased from 1,885 in 2019 to 1,919 in 2022, indicating a larger number of cases where the accused were not held guilty. The majority of cases remain pending, rising from 26,025 in 2019 to 40,802 in 2022. This indicates a slow judicial process and backlog in case resolution. Cases

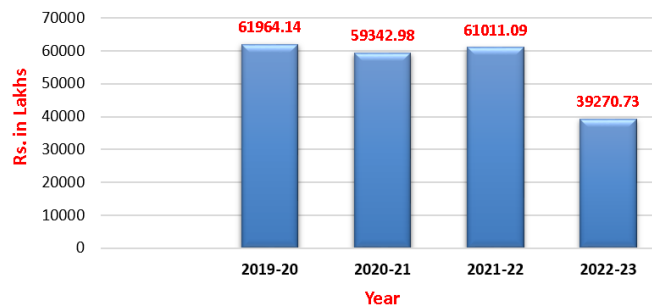
withdrawn, abated, or quashed remained minimal, with only 8 cases withdrawn in 2020, indicating that most cases progress to trial.

The high number of pending cases indicates that judicial resolution is slow, possibly due to inadequate legal resources or procedural delays. The disparity between convictions and total cases may suggest weak evidence, ineffective prosecution, or challenges in proving atrocities in court. The increasing case numbers need for better law enforcement, fast-track courts, and stronger legal protections for ST communities.

Table No. 5 - Details of Central Assistance Released for Implementation of the Protection of the Civil Rights Act, 1955 and PoA Act, 1989

Sr. No.	Year	Central Assistance released (Rs. In Lakhs)
1	2019-20	61964.14
2	2020-21	59342.98
3	2021-22	61011.09
4	2022-23	39270.73

Graph No. 5 - Details of Central Assistance Released for Implementation of the Protection of the Civil Rights Act, 1955 and PoA Act, 1989



The data presents the central assistance released for the implementation of the Protection of Civil Rights Act, 1955, and the PoA Act, 1989 over four financial years (2019-20 to 2022-23). In 2019-20, the highest amount of Rs. 61,964.14 lakh was released. In 2020-21, there was a slight decline to Rs. 59,342.98 lakh (approx. 4.2% decrease). In 2021-22, the assistance increased again to Rs. 61,011.09 lakh (approx. 2.8% rise from 2020-21). However, in 2022-23, there was a sharp decline to Rs. 39,270.73 lakh, a 35.6% drop from the previous year.

The drastic reduction in funds allocated in 2022-23 suggests policy changes, budgetary constraints, or shifts in priorities regarding the implementation of these Acts. For three years (2019-20 to 2021-22), the allocation remained relatively stable, fluctuating within a narrow range

(Rs. 59,000 – Rs. 62,000 lakh). This indicates a consistent level of government commitment toward these legislations during these years.

The Protection of Civil Rights Act, 1955, and the PoA Act, 1989, are crucial for safeguarding the rights of marginalized communities. The sharp decline in 2022-23 raises concerns about whether funding cuts could affect the effective implementation of these laws. Factors such as changing government priorities, economic conditions, or shifts in policy implementation strategies might have contributed to the variations in fund allocations. A deeper investigation into the causes of the 2022-23 decline would be necessary to understand its implications on ground-level enforcement and protection measures.

Conclusions

On the basis of data analysis following conclusions were drawn

- Cases of atrocities against SCs and STs have consistently increased indicating that a rise in incidents.
- The high number of pending cases suggests slow judicial processes, leading to delays in justice.
- The PoA Act has been actively used; but, many cases are closed due to insufficient evidence, showing gaps in investigations.
- The backlog of cases and low conviction rates suggest limitations in law enforcement and judicial efficiency.
- A decline in government financial assistance in 2022-23 raises concerns about the Act's effective implementation.
- Increased case registration suggests that the Act has enabled more victims to report crimes but found lack of effective implementation.

Suggestions and Recommendations

1. Needed to strengthen the Prevention of Atrocities Act.
2. Ensuring fast-track courts for caste-based crimes.
3. Expanding reservations in private-sector jobs.
4. Providing free legal aid and rehabilitation for SC/ST victims.
5. Conducting caste-sensitivity training for police and judiciary.
6. Introducing anti-caste education in schools and colleges.
7. Encouraging SC/ST political representation in policymaking.

8. Strengthening Dalit and Adivasi movements for self-empowerment.

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