

**“SEPARATE POLICE STATIONS FOR SCHEDULED CASTES &
SCHEDULED TRIBES:
A NEED OR A SLIPPERY SLOPE?”**

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*“A bitter thing cannot be made sweet.
The taste of anything can be changed.
But poison cannot be changed into nectar.”¹*

INTRODUCTION

When Dr. B.R Ambedkar remarked these famous words, he signalled towards the underlying idea that he spent his entire life fighting for, that the practice of casteism which is so negative that it creates differences between people simply because of their birth and not their capabilities, can never serve as a nectar to the growth of India and shall remain the degenerating poison it is, forever and always.

Agreeing with what the father of the Indian Constitution so thoroughly argued in favour of, the author of this note too has always been in support of lifting the destitute and providing them with ample opportunity and prospects that they deserve in every field and aspect and in every way possible.

There is no denying the fact that the caste issue in India has been one of the major reasons why the unity of its people can't be classified in a 'common' spirit.

In the famous undelivered speech of Dr. B.R Ambedkar, "*The Annihilation of Castes*"² wherein he spoke about the kind of treatment 'Shudras' have been subjected to since decades, showed the horrific situation of the people placed at the lowest rungs of the society and highlighted the dominance exercised by other three castes over them, which continues till date.

PRESENT SCENARIO

However the question today, remains that even after 69 years of independence when the Constitution makers who chose to build the Indian society on egalitarian, secular and pluralist lines as contrast to authoritarian norms, the society is still caught in the

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¹B.R. Ambedkar, *Writings And Speeches*

²Arundhati Roy. "*The Doctor and the Saint*", <caravanmagazine.in.> Retrieved on 1st October 2015

webs of evil practices that our Constitution makers made every attempt to save us from. In fact the Indian Constitution provides for a three-pronged strategy to improve the situation of SCs and STs³:

- *Protective Provisions*: Such measures as are required to enforce equality, to provide disciplinary measures for transgressions, to eliminate established practices that perpetuate inequities, etc. A number of laws were enacted to implement the said provisions in the Constitution. Examples of such laws include *The Untouchability Practices Act, 1955, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*, etc.
- *Positive Provisions*: This aspect provides for positive treatment in allotment of jobs and access to higher education as a means to accelerate the integration of the SCs and STs with mainstream society.⁴ Affirmative action is popularly known as *Reservation*.⁵
- *Developmental Provisions*: These measures basically provide resources and benefits to bridge the socioeconomic gap between the SCs and STs and other communities. Like *Article 16* of the Indian Constitution, which covers Equality of opportunity in matters of public employment and etc.

SEPARATE POLICE STATIONS

Recently, the author of this note came across an article in *The Hindu*, dated 6th October 2015, which spoke off opening a special Police Station in Uttar Pradesh, after successfully establishing the same kind in Jharkhand, Bihar and Andhra Pradesh, for the SC and ST community.

Where on one side, one feels that too much exclusion is not the way to solve problems but on the flipside one is reminded of the facts that makes one realise that these

³"Frequently Asked Questions – Scheduled Caste Welfare: Ministry of Social Justice and Empowerment, Government of India". Accessed on 2nd October 2015, at <socialjustice.nic.in>

⁴SheetalSekhri, "*Affirmative Action and Peer Effects: Evidence from Caste Based Reservation in General Education Colleges in India*" Accessed on 2nd October 2015 at <http://people.virginia.edu/~ss5mj/Peereffects_April12_2011.pdf>

⁵In central-government funded higher education institutions, 22.5% of available seats are reserved for Scheduled Caste (SC) and Scheduled Tribe (ST) students (7.5% for STs, 15% for SCs). This reservation percentage has been raised to 49.5% by including an additional 27% reservation for OBCs.

separate Police Stations are being opened in the wake of the recent increase in crime against the Dalits.

There is no ignorance about the argument that Uttar Pradesh that is mainly in news either because of communal or caste-based strife's has lately been witnessing a high rate of crime against SC/ST community members.

And the state government has finally sought to decide and mull a proposal for setting up separate police stations to deal with such cases.⁶

FACILITIES

The proposed Police Stations and the ones in other Indian States provide for a few facilities in comparison to the normal Police Stations, which the latter don't provide.

These facilities vary from:

1. Offering counseling when required finding an amicable solution to disputes before going in for registration of a criminal case.
2. To reimbursing the victims for conveyance in case they are summoned to the police station in connection with their complaint.

NEED

I. From Historical to Modern Applicability: *Adhikaara & Bahishkara*

The fact is that the prominent status of Brahmins and their superiority over the other three Varna's, relative to the Shudras and of the inferior place of Shudras and ati-Shudra⁷ rests on two paired principles of: Adhikaara and Bahishkara, where Adhikaara means rights that Brahmins and the other two succeeding castes get simply because they are born in the same, Bahishkara denotes exclusion, which the lowest caste has always been made to suffer.

Now the problem is that in today's modern India, the concept of Bahishkara has moved away from the draconian practices of not basking in a Shudra's shadow or feeling contaminated if they took water from the same vessel because today's idea of exclusion and dominance varies from using language of insult and injury, including trolling and online abuse, to intimidation, physical and sexual violence and ultimately assassination and genocide.

⁶'Uttar Pradesh may soon have Separate Police Stations for SC/ST', All India Press Trust of India, Accessed on 6th October 2015 at <<http://www.ndtv.com/india-news/uttar-pradesh-may-soon-have-separate-police-stations-for-sc-sts-1226788>>

⁷ The Stratum of people who are even lower than Shudras, who are not even a part of the hierarchy.

II. Facts & Figures: *Uttar Pradesh*

According to National Crime Records Bureau (NCRB) data, Uttar Pradesh witnesses a high percentage of crimes against SCs and STs. According to the recently released data of 2014, the state reported 8,072 such cases during the year, accounting for 17.2 per cent of all cases in the country, which is an extraordinary percentage. In 2013, with 39,408 cases, the country witnessed an increase of 17.1 per cent over 2012 when 33,655 cases were reported against SCs.⁸ An increase in cases of such crimes was observed under all heads, except arson, during 2013 over the last year. With 20.5 per cent of the SC population, Uttar Pradesh accounted for 18 per cent (7,078 out of 39,408 cases) of these cases followed by Bihar with 17 per cent and Rajasthan 16.4 per cent. As per NCRB data, a total of 676 cases of murder were reported in the country during 2013 compared to 651 cases in 2012, registering an increase of 3.8 per cent. Of this, UP accounted for 222 cases or 32.8 per cent. In 2012, 6,202 incidents of crimes against SCs were reported in UP, which was 18.43 per cent of all India figure.⁹

PERCEPTION OF CRIME

Very recently the author of this note came across an article that spoke off a case of a 'Dalit Woman' who had been raped, which was titled '*Teenage Dalit Girl Raped, Killed in UP*'¹⁰ which seemed highlight the under current and idea behind the paper.

However, the author cant deny that where on one side many wouldn't see the underlying problem in the News, and to some it may sound ghastly because Rape is rape, whether its against a Dalit woman or a Brahmin woman, and that an idealistic understanding of the Indian society promotes that such crimes are not motivated because of one's caste or creed but the ground reality is unfortunately different and speaks for itself.

⁸ 'Crimes Against SC/ST ' National Crime Records Bureau, accessed on 2nd October 2015 at <<http://ncrb.gov.in/CD-CII2013/Chapters/7-Crime%20against%20Scheduled%20Castes%20&%20Scheduled%20Tribes.pdf>>

⁹ *Ibid*

¹⁰ '*Teenage Dalit Girl Raped, Killed in UP*' Accessed on 25th September 2015, at <<http://www.outlookindia.com/news/article/teenage-dalit-girl-raped-killed-in-up/913554>>

In another case wherein an unelected Panchayat ordered the rape of two sisters after which they were to be paraded in the village because their brother had eloped with a married woman of a higher caste, also show how the practice of Bahishkara is till date used and that the dignity of Dalits is even today seen as something to be meddled and played with and their status even after so many efforts, remains next to filth in the eyes of the authoritarian uneducated village communities.¹¹

In fact in many parts of Uttar Pradesh and India in general where the level of education is still low, people are easily motivated to cast crimes against people simply because of their caste.

It is when one quotes such prominent and stark examples, one realises that the idea of having separate police stations with officers absolutely dedicated towards working in the best interests of the SC & ST that need to be uplifted from the vicious cycle of discrimination, the argument for such an Institution is strengthened and the contention that may see this as a slippery slope is weakened.

LEGAL JUSTIFICATIONS

Section 21(1) and (2) of SC/ST (Prevention Of Atrocities) Act, 1989 stipulate that the State Government shall take all such measures as may be necessary for its effective implementation. In fact according to the preamble of the SC/ST Act, it is an Act to prevent the commission of offences of atrocities against SC/STs.

It apart from providing a wide ambit under Section 21, which can justify the State Government's actions of creating special Police Stations, also seeks to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences.

In the case of *Dr. Ram Krishna Balothia v. Union of India*¹², the Honorable Madhya Pradesh High Court held that, “*The entire scheme of the SC/ST Act is to provide protection to the members of the scheduled castes and scheduled tribes and to provide for Special Court and speedy trial of the offences. The Act contains affirmative measures to weed out the root cause of atrocities, which has denied SC/STs basic civil rights.*”

¹¹ ‘India Village Council Orders Rape of Two Sisters’ Accessed on 27th September 2015 at <<http://www.aljazeera.com/news/2015/08/india-village-council-orders-rapes-sisters-150829145847675.html>>

¹²AIR 1994 MP 143

CONCLUSION

The picture of India, abroad in the minds of the people is not that we live in harmony but that we are all divided under the pretexts of caste, faith, language and regions. Where on one side it can't be denied that India's distinctness is derived from its diversity but the upsides of it are never highlighted. Many who are aware of India, have often asked the author if she was a Brahmin or a Hindu or a Dalit, making such divides sound even more severe considering that they too have the knowledge of it.

On personal observation and experience, the author to enrich the debate would like to state that, its not just India that exists on divisions but even countries like America, The United Kingdom are evidently divided on the basis of colour, religion, class etc. If the norm in India is to not marry to a lower caste, the same is practiced when a Protestant has to marry a Catholic, or a Syed has to marry a Qureshi. The author understands that the caste system is very distinct from the traditions of the International community that it is being compared with, so considering that there are divisions in even developed countries shows that its not only India that is fettered in chains of growth curtailing thinking.

But highlighting problems of other societies is not the point behind intelligentsia and bringing forward new ideas to tackle the existing mess, the point behind this note is simple: India can only progress if all the castes are united, if divisions only exist in history and when everyone is free to enjoy every right enshrined in the Indian Constitution.

Hence, the author advocates for the prospect to establishing separate Police Stations for the SC/ST, it is but a regretful moment because the point that even today, we have seemed to worsened the situation rather than better it, and so we owe such a step to the Scheduled Castes and the Scheduled Tribes.

'All for their deserved, Dignity & Respect'