

**CONSTITUTIONAL MORALITY AND SOCIAL REALITY:
AN AMBEDKARITE PERSPECTIVE ON THE
SC/ST (PREVENTION OF ATROCITIES) ACT, 1989**

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ABSTRACT

A powerful law born just years after India became independent targets violence tied to caste - known officially as the SC/ST (Prevention of Atrocities) Act, 1989. Rooted in constitutional promises tucked inside Articles 15, 17, and 21, its creation followed a clear legal path. Though dreams shaped it, one man's voice echoes loudest: Dr. B.R. Ambedkar urged turning ethics into enforceable rights, which this act attempts, chipping at ancient hierarchies. Yet results often stall, slowed by half-hearted enforcement, shifting court views, pushback from local power circles. In 2018 a decision linked to Subhash Kashinath Mahajan stirred talk, since it bumped against old hierarchies rooted in caste. Even though Parliament rewrote things in 2019, the judges' first take showed how legal thought sometimes carries social slant more than fairness. This part explores how ideas from B.R. Ambedkar guide our sense of right action within constitutional life. It wonders why protections for sidelined people crumble after moving from text into real days. Under thin results sit structures - quiet, tough - that block shifts despite new words on paper. Life for many labelled Scheduled Castes or Tribes seldom feels like what the Constitution describes. Old documents point one way; judges move another; data tells its own story. Ambedkar spoke clearly - laws cannot heal

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deep wounds if beliefs stay unchanged. When courts face severe wrongs, they ought to consider change before habit. Judgment after judgment leans on old structures, letting custom edge out progress.

KEYWORDS: *Constitutional Morality, SC/ST Act 1989, Ambedkar, Caste Atrocities, Social Reality, Untouchability.*

Introduction

Dr. B.R. Ambedkar saw caste less as a split in society and more as layers of unfairness woven into daily life across India, both personal and public. Because basic rights promised in Articles 14, 15, and 17 often failed to reach those on the edges, lawmakers passed the SC/ST (Prevention of Atrocities) Act in 1989 - calling it a response to broken promises. Though regular laws punish crime, they fall short when it comes to the deep-rooted abuse Dalits and Adivasis face from powerful castes. This law came about once Parliament admitted that standard punishment does not touch the pattern behind such harm. What holds the law together, when looked at closely, comes from Dr. Ambedkar's idea of how a constitution should guide behaviour. Not through habits passed down, but through active loyalty to rights like freedom, fairness, and shared belonging - this was his meaning of constitutional morality. Unlike the unwritten rules shaped by caste traditions, which often dominate daily life, this kind of morality requires conscious effort. Without constant care, older hierarchies tend to weaken what the Constitution promises. So, laws such as the Atrocities Act exist not just to punish, but to uphold a different standard - one built on principle, not precedent. Still, forty years after it became law, its goals haven't been met. Convictions are rare, investigations often twisted by caste prejudice in police forces. Judges have occasionally read the rules so narrowly they weaken protection. Daily life for people from Scheduled Castes and Tribes still holds echoes of isolation, old taboos, harm - exactly what the law meant to stop. That gap - one written on paper, one lived on ground - pulls attention toward examining the Act through Ambedkar's eyes, now more than ever.

Ambedkar's Constitutional Morality:

The Philosophical Foundation That day in 1948, when Ambedkar spoke before the Constituent Assembly, he reached back

to an old idea - one shaped by George Grote, a British scholar who studied ancient Greece. Grote saw constitutional morality as deep respect for how a constitution is built - not just what it says. Yet Ambedkar reshaped this notion entirely, fitting it to India's fractured reality. Instead of mere form, he insisted on spirit: freedom, fairness, unity - the very things broken by caste. For him, true loyalty to law meant upholding principles that faced down hierarchy. To Ambedkar, following the constitution meant more than just going through steps. It meant changing how people relate to one another at a deep level. Centuries of caste rules had moulded society's sense of right and wrong - this clashed with what the Constitution stood for. While everyday beliefs upheld separation, rank, and ideas about cleanliness, the Constitution called for tearing those down. His life's work in politics and law turned on that clash. Right at the start, the Preamble to India's Constitution puts justice - social, economic, political - front and centre, shaped by Ambedkar's outlook. Untouchability cannot survive under Article 17, no version allowed. Where caste-based bias shows up, Article 15 steps in to block it. Meanwhile, Article 46 pushes the government to back the education and livelihood needs of marginalized groups. These rules together show what constitutional values look like when put into practice. So, the 1989 Atrocities Act takes that foundation and builds a legal response aimed squarely at caste-driven harm.

Legislative Genesis and Objectives of the SC/ST Act, 1989

Right from the start, India needed a legal way to act on what Article 17 promised. The law passed in 1955 took over from an earlier version but still fell short. Instead of strong consequences, it brushed serious acts aside like small issues. Penalties barely mattered, doing little to stop harm rooted deep in caste divides. Things like seized land, threats, unwanted touch, or being shut out by communities went mostly untouched. Forced work? Ignored just the same. Into the 1980s, attacks rooted in caste grew fast. The Karamchedu killings in 1985, then Tsundur in 1991 - both in Andhra Pradesh - showed how brutal groups targeted Dalits standing up for legal rights. Before passing the 1989 law, lawmakers across sides admitted something tougher had become unavoidable. Their talks revealed a shared belief: regular laws were failing. Because of its structure, the Atrocities Act took an unusual path - covering more

than just physical harm by including shame, sexual abuse, land theft, along with beatings. Trials moved faster since special courts were set up solely for these cases. In certain situations, how evidence worked shifted slightly compared to standard crimes. People accused could not seek bail ahead of time. Support after harm became a requirement under law. Later came the 2015 update affecting SC/ST protections - an expansion that brought in fresh types of wrongs while deepening payment rules for survivors.

Social Reality:

The Persistence of Caste Atrocities Year after year, numbers from the National Crime Records Bureau show something troubling - attacks on people from Scheduled Castes and Tribes keep happening, often rising across several states. From 2018 to 2022, each year saw tens of thousands charged under the Atrocities Act, mostly in places like Uttar Pradesh, Rajasthan, Madhya Pradesh, and Bihar. Still, few result in convictions - the national rate sticks between 25% and 35%. That count hardly tells the full story since so many trials collapse when witnesses turn unfriendly, probes falter, or influence from upper-caste communities shifts outcomes. Every day, people like Gopal Guru, Suraj Yengde, and Kancha Ilaiah Shepherd collect stories from real lives - stories about how Dalits and Adivasis are kept away from wells, barred from temples, shut out of shared lands. Marriages across caste lines bring beatings. Speaking up brings backlash. Schools divide children before they learn to question why. Because it's not just social cruelty - it's money too. Land taken generations ago still isn't returned. Jobs denied. Work forced under threat. Laws exist, sure, yet behind paper rights, old hierarchies hold tight. Out here in Karnataka - the place shaping my studies - untouchability still shows up, especially out past the cities. Groups like the Karnataka Dalit Sangharsh Samiti and NCDHR have walked through villages, noting how often old habits hold on tight. State records tell their own story: when crimes under the Atrocities Act come up, things drag slow, people fear speaking, sometimes cases vanish right at the police desk, never making it onto paper. Lives of Dalits across this region - Holeyas, Madigas, Lambadis, Bedas - are shaped not just by birth into caste but also money, location, and whether one is born male or female. Each layer adds weight.

Judicial Interpretation: Constitutional Morality Vs. Popular Morality

Sharp conflict between constitutional values and common beliefs shows up clearly in court decisions about the Atrocities Act. One key moment came with the Supreme Court ruling in Subhash Kashinath Mahajan v. State of Maharashtra (2018), widely seen as contentious. That decision, made by two judges, introduced steps like needing approval before arresting government workers and demanding an initial check before filing complaints. Behind these moves lay a claim - unchecked abuse of the law harms harmless people - a notion floated without data support. Instead of grounding itself in facts, it leaned on views shaped more by everyday caste attitudes than principles rooted in equality and justice. Though dressed as caution, its effect tilted toward protecting privilege. Outrage spread across the country after the Mahajan ruling, with Dalit groups leading demonstrations. That decision got pointed to as proof - courts might bend under pressure from mainstream views, especially when laws meant to shield disadvantaged communities are dismissed as easily misused. In quick reaction, lawmakers passed the 2018 update to the SC/ST Prevention of Atrocities law, wiping out the court-imposed checks like early investigations or official approvals before cases proceed. So the core safeguards snapped back into place. Tension between these branches mirrors what Ambedkar warned: without constant pushback, everyday prejudices can erode constitutional values. Still, rulings from the Supreme Court have at times pushed forward ethical standards within legal frameworks. One such moment came during State of Karnataka v. Appa Balu Ingale in 1993, where emphasis landed firmly on upholding Dalit dignity without narrow limits. Around the same time, Dr. Umesh Chandra v. State of Karnataka echoed that stance, broadening how protections apply. Lately, a similar direction emerged through Patan Jamal Vali v. State of Andhra Pradesh. Though often overlooked, the 2021 ruling revealed how caste and gender shape abuse faced by Dalit women. Because of this layered oppression, courts must weigh deeper social injustices when deciding penalties. From such decisions emerges a truth - equal treatment under law grows real only when judges actively honour lived inequities. While rare, these moments show fairness isn't out

of reach, just demanding persistence.

Implementation Failures: Structural Barriers

Police Apathy and Institutional Bias Most of the time, the Act struggles because police teams reflect old power lines. Officers on the ground, especially those ranking lower, come mostly from upper castes - groups that carry inherited views about hierarchy. Because of this setup, reports get ignored. People from Dalit communities face cold responses when they speak up. Even obvious violations see little legal follow-through. Often, instead of enforcing rules, officers quietly help suspects slip away. When complaints come in, the law says a case must be registered right away. Yet that rule gets ignored more often than not. Studies led by groups like the National Dalit Movement for Justice show how serious crimes are quietly downgraded. Instead of being treated as atrocities, they're filed under weaker sections of the Indian Penal Code. Because of this shift, survivors lose access to stronger safeguards and financial support meant for such cases.

Prosecutorial Inefficacy and Witness Intimidation Special Courts and Special Public Prosecutors named under the law have seen uneven rollout across regions. Where they should stand apart, these courts often live just in documents, not practice. Ordinary session judges take up Atrocities Act trials along with routine crimes, slowing justice instead of speeding it. Speedy hearings lose meaning when dockets mix without separation. People who testify face silent threats, money-based coercion, social cutting-off - all from powerful caste networks. Fear walks hand in hand with those stepping forward. Support systems meant for victims and witnesses run thin - under-resourced, barely active. Promises within the Act stumble at execution, left hollow by lack of real follow-through.

Compensation and Rehabilitation Deficit Though the 1995 rules plus changes made in 2016 lay out clear rights to aid for those harmed by atrocities, actual payments crawl forward, tied tightly to how fast cases move and what local officials decide. Because support like homes, land, or jobs rarely reaches people, recovery stays broken despite written promises. When help fails to arrive, the law ends up only punishing wrongdoers instead of healing lives, which defeats its original purpose. What looks strong on paper turns fragile

once applied, leaving victims stranded even when systems claim to protect them.

The Gap Between Constitutional Vision and Social Reality

Out of silence rose a new beginning - Ambedkar's Constitution broke sharply from caste hierarchies. Ending untouchability through Article 17 did more than make a statement; it carried intent, aiming at nothing less than remaking society around shared respect for each person. From that foundation came the Atrocities Act, built not in isolation but as law shaped by that original demand, stepping into moments where caste turns violent. Still, the distance between promise and life stays vast. Weddings where Dalit men cannot ride horses mark one part of it. Classrooms where teachers treat Dalit students worse show another. Sexual violence against Dalit women, used to enforce caste rank, reveals deeper wounds. Constitutional rights exist on paper just the same as ever. Yet daily existence clings to old hierarchies. Laws have failed to dismantle what custom keeps alive. This divide runs deeper than broken rules. It shows, just as Ambedkar saw, how custom often outweighs constitutional ideals. When homes, villages, temples, schools, offices still sort people by birth, rights find little ground to take hold. Fixing it calls for more than courts or laws - it demands a slow shift in how society sees itself. That reshaping of daily thought, that reweaving of shared belief, was for him democracy lived beyond paper promises.

Way Forward:

Towards Constitutional Morality in Practice One step toward turning the Atrocities Act into real change is fixing how law enforcement works. Police hiring should include people from different backgrounds, so it reflects more of society. Training that raises awareness about caste bias needs to become standard practice across departments. When officers ignore reports of atrocities, ways to hold them responsible must actually work. Outside groups ought to watch over case investigations to keep things fair. The law says special officers and monitoring committees must be appointed. These roles only matter if they're truly embedded in daily operations. Now comes the need for courts to spend real time with Ambedkar's vision of justice alongside hard truths about caste violence. Not just rules on how cases run, but why laws fight bias - that understanding

should shape training for judges. Seeing the Atrocities Act not through custom or habit, instead guided by what the Constitution truly demands, becomes the mark of such jurists. Now comes the hard part: money, power, and caste cannot stay tangled forever. When land is fairly redistributed, when jobs are secured by law, when welfare reaches those marked by birth - only then does the promise of anti-atrocity laws begin to mean something. People trained in basic legal knowledge within Dalit neighbourhoods help hold systems accountable. Groups that record abuse and stand beside survivors in court need steady backing. Without these pieces, justice stays out of reach. Truth be told, facing up to what Ambedkar saw means seeing beyond courts and laws. This fight lives inside how people think, how they live - deep within India's sense of itself. Laws like the Atrocities Act matter, yet stand empty without something else. Without steady courage, without daily choice, progress falters. That dream written into the Constitution - no castes, true fairness - demands more than rules on paper. It asks for grit, moment after moment, to hold firm when old habits pull hard the other way.

Conclusion

Standing apart within India's legal framework is the SC/ST (Prevention of Atrocities) Act, 1989. Born from Ambedkar's vision, it insists law must challenge caste-based oppression head-on. Rather than function like standard penal laws, its purpose runs deeper - it aims to shift deep-rooted societal patterns. Through enforceable rights, it shields those long subjected to systemic abuse and dehumanisation. Its existence signals more than punishment; it embodies resistance woven into statute. Still far from fulfilling Ambedkar's constitutional dream, India shows how slow change really is when laws promise more than they deliver. Though courts narrow the law's reach, shrinking its shield for many. Caste bonds shape police apathy, quietly upholding old hierarchies instead of justice. Weak systems meant to prosecute falter, left under-resourced and overwhelmed. Those supposed to rebuild lives after harm find nothing waiting, just empty promises. Yet something shifted when leaders pushed back against the Mahajan ruling - proof that determination can breathe life into principle. When power aligns with purpose, even stubborn norms begin to bend. From an Ambedkar

view, judging the Atrocities Act means looking beyond punishment. Instead, think of it as fulfilling a promise written deep in India's founding idea - ending caste, which Ambedkar called essential for real democracy. Success isn't just about how many convictions happen. It shows up more clearly in whether Dalit and Adivasi lives actually experience respect, fairness, and belonging. By that standard, progress feels distant. Turning ideals into habit across courts, routines, and minds - that still defines the heart of what this democracy must face.

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