

The Crimes Against Dalit Women and Minor Girls in India: Analysis of the National Crime Records Bureau Data 2021

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every day** as
per National Crime
Records Bureau data
of the year 2021.

Caste based Gender Violence against Dalit Women and Girls in India

Dalits in India, also classified as the Scheduled Castes (SC), continue to face discrimination based on the caste system. They are subjected to untouchability practices, discrimination, exploitation, and violence arising out of the caste system. According to the National Census of 2011, out of the total Dalit population comprising 200 million, Dalit women comprise 98 million, thus Dalit Women constitute 8% of the total Indian population. The majority of Dalit women are still forced to perform undignified manual labour such as scavengers, forced prostitution, and bonded labour because of persistent caste and gender-based discrimination. Thus, Dalit women as historically marginalized in the caste system face the triple burden of caste, class and gender.

Despite the constitutional safeguards and special legislations such as the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Dalit women continue to face multiple forms of caste and gender-based violence including sexual violence when they assert their constitutional rights to access common resources and public places, access to education, claim land, right to wages, right to dignity, right to legal recourse, right to cultural freedom, right to choose a partner, instances of social mobility, political participation, etc. In 2021, the National Crime Records Bureau (NCRB) reports that more than 10 Dalit women and minor girls are raped every day, whereas the accused were convicted only in 24% of the cases.

For instance, the gang rape and murder of a 19 year old Dalit woman in Hathras, Uttar Pradesh, in September 2020 has highlighted the brutality against Dalit women where the district administration had forcibly cremated the body of the victim without her family's consent. Though the dying declaration of the victim on 22 September 2020, and the chargesheet filed by the Central Bureau of Investigation (CBI) in 2021 included the names of the four accused under the sections of the SC/ ST (PoA) Act, 1989, and the Indian Penal Code, 1860 for the offences of gang-rape and murder. However, on 2nd March 2023, Hathras sessions court acquitted three out of four accused. Only one accused has been convicted under a lesser charge, and not of rape and murder, but of culpable homicide not amounting to murder.

Facts and figures

In India, **Dalit women and girls live as the most marginalised section who struggle for basic human rights** justice and protection when the legislations like Scheduled Castes & Scheduled Tribes Prevention of Atrocities (PoA) Act, 1989 and Protection of Children from Sexual Offences (POCSO) Act, 2012 have been passed by the Indian State to ensure justice to them and prevent caste and gender-based violence. **However, the incidents of violence against the Scheduled Caste women and minor girls increase every year.** The following data 2020-2021 given by the government reveals the situation of increasing violence against Dalit women and minor girls in India.



The NCRB data records 15,855 incidents of violence against SC women and girls in 2021 which shows more than two times increase in incidents recorded in 2020 (7,397 incidents).

Number and percentage of crimes committed against SC Women and Minor girls from 2020– 2021

Year	Total Crimes against SCs registered under PoA Act	Total Crimes against SC Women and Minor girls registered Under PoA Act	%Share of overall atrocities recorded under PoA Act
2020	50, 268	7, 397	14.71%
2021	50, 879	15, 855	31.16%

The National Crime Records Bureau (NCRB) 2021 data reveals alarming statistics regarding the status of SC women and girls. The NCRB data records 15,855 incidents of violence against SC women and girls in 2021 which shows two times increase in incidents recorded in 2020 (7,397 incidents). It includes incidents like Assault on Women to Outrage the modesty (Sec 354 IPC) [including minor girls]; Rape (Sec. 376 IPC); Attempt to Rape (Sec 376/511 IPC); Insult to Modesty (Sec 509 IPC); Kidnapping & Attempt to compel her for marriage (Sec 366 IPC) and Procuration of Minor Girls.

Forms of Offences against SC Women & Minor girls - 2020 & 2021

Crime Head	Crime in 2020	Crime in 2021	Percentage increase in 2021 over 2020
Assault on Women and Minor girls with intent to Outrage her modesty (Sec 354 IPC)	3373	3764	11.5
Assault on Adult Women to Outrage her modesty	3037	3214	5.8
Assault of Minor girls (Sec 8 &10 POCSO Act)	336	550	63.6
Rape (Sec. 376 IPC)	3372	3870	14.7
Rape of Women	2317	2585	11.5
Rape of Children (Sec 4 & 6 of POCSO Act)	1055	1285	21.8
Attempt to Rape (Sec 376/511 IPC)	90	100	11.11
Insult to Modesty (Sec 509 IPC)	144	157	9.02
Kidnapping & Attempt to compel her for marriage (Sec 366 IPC)	394	309	-21.57
Procuration of Minor Girls	24	21	-12.5

Atrocities against SC Women & Minor girls account for 31.16% of the total crimes registered under the SC/ ST Act during 2020-2021. This statistics is based on the reported sexual violence cases which does not give the segregated data on other forms of violence including Murder, Murder with Rape, Gang Rape, Murder with Gang Rape, and other heinous crimes. The nature, extent and gravity of caste and gender based violence can only be known to a certain extent if the disaggregated data of all forms of violence is consistently recorded by the NCRB and made publicly available.

The crimes against Dalit minor girls alarmingly increased in 2021 as is evident by the registered number of cases of assault (increased by 63.6%) and rape (increased by 21.8%) under the SC/ ST (POA) Act and the POCSO Act as compared to 2020.

As per the table above, the crime of assault to the outrage of modesty of Dalit women including minor girls increased by 11.5% in 2021 (3764 incidents) over 2020 (3373 incidents). However, the statistics in relation to crimes against children show a drastic rise of 63.6% (336 incidents in 2020 and 550 incidents in 2021). Similarly, a 14.7% increase has been recorded in rape cases of Dalit women and girls in 2021 (3870 incidents) in comparison with 2020 (3372 incidents). The statistics in relation to the crime of rape against Dalit minor girls increased by 21.8% in 2021 (1285 incidents) over 2020 (1055 incidents). There is also a rise in incidents of attempt to rape and insult to modesty i.e., 11.11% and 9.02% respectively. The cases of kidnapping & attempt to compel her marriage and procuration of minor girls are dropped by 21.57% and 12.5% respectively.

State Ranking on the cases of violence against Dalit women and minor girls:

We have also analysed the numbers of the crimes and atrocities committed against Dalit women and girls in different states in India in 2021. Below is the list of the top five states of India which are leading in crimes of rape, attempt to rape, kidnapping for compelling her for marriage, insult to modesty and assault to outrage of modesty.

States	Rape	Assault	Kidnapping & Abduction	Attempt to rape	Insult	Total	Rank
Uttar Pradesh	559	752	234	9	0	1554	1
Rajasthan	566	616	23	67	2	1274	2
Madhya Pradesh	564	634	19	2	3	1222	3
Maharashtra	395	455	4	0	8	862	4
Haryana	234	270	10	9	20	543	5

The state of Uttar Pradesh (1554 cases) reported the highest number of the cases in the top ten states followed by Rajasthan (1274 cases) on second and Madhya Pradesh (1222 cases) on third rank. Maharashtra stands at rank 4 with 862 incidents and later comes Haryana holding rank 5th with 543 incidents as per the NCRB crime report of 2021.

Disposal of the incidents against SC women and minor girls by Police

The table below is a glance of the disposal of cases by the police registered under the SC/ ST (PoA) Act and the POCSO Act for the crimes committed against SC women and minor girls.

Police Disposal of the Crimes/Atrocities against SC Women and Minor girls under SC/ST (PoA) Act r/w IPC from NCRB 2021

Form of violence	Total No. of Cases for investigation including pending cases from previous years	Final Report	Charge Sheet Submitted	Total cases disposed off	No. of cases pending investigation at the end of the year	Pendency Rate (%)	Charge sheeting Rate (%)
Assault on Women with intent to outrage her Modesty	4,887	725	3,145	3,872	1,008	20.6	81.2
Assault on Adult Women to Outrage her Modesty	4250	688	2639	3329	915	21.5	79.3
Assault on Minor girls with intent to outrage her Modesty	637	37	506	543	93	14.6	93.2
Rape (Women & Minor girls)	5,030	448	3,504	3,955	1,069	21.3	88.6
Rape of Women	3418	399	2253	2654	759	22.2	84.9
Rape (Minor girls)	1,612	49	1,251	1,301	310	19.2	96.2
Attempt to Rape (Women and Minor girls)	118	42	57	99	19	16.1	57.6
Insult to the Modesty of women	289	49	117	166	123	42.6	70.5
Kidnapping and Abduction of Women to Compel her for marriage	412	103	222	325	87	21.1	68.3
Procuration of Minor Girls	35	4	17	21	14	40	81
Total/Avg.	13,020	1,457	8,819	10,282	2,723	26.95	74.53

CHARGE SHEET SUBMITTED- The NCRB Report 2021 police disposal data shows that of the 4887 incidents of Assault on Dalit Women with intention to outrage modesty (SC/ST (PoA) Act r/w Sec 354 IPC), including the pending cases from the previous years, charge sheets were filed for 81.2% of them, with a pendency of 20.6 % at the end of year. As per the Section 7(2) of the SC/ ST (PoA) Rules, 1995, the concerned police station shall file the chargesheet in the special court or the exclusive special court within a period of sixty days. Of the 5030 incidents of rape (SC/ ST (PoA) Act r/w Sec 376 IPC), reported in 2021, charge sheets were filed for 88.6% of them, with a pendency of 19.2% cases at the end of year. The highest pendency rate is recorded 42.6% for Insult to the modesty of Dalit women (SC/ST (PoA) Act r/w Sec 506 IPC). The charge sheet is submitted in 74.53% cases on an average in 2021.

CASES DISPOSED OFF BY THE POLICE- Of the 13,020 cases investigated including pending cases from previous years relating to the offences against the SC women and minor girls, 10,282 cases were disposed off by the police by way of Cases Transferred to Other State or Agency, withdrawn by the Govt during Investigation, Cases Ended by putting a Final Report, Non-Cognizable cases were closed as false,

Cases Ended as Final Report False and Cases Ended as Mistake of Fact or of law or Civil Dispute.

PENDING INVESTIGATION- As per the Section 7(2) of the SC/ ST (PoA) Rules, 1995, the concerned police station shall conduct the investigation and file the chargesheet under this Act within a period of sixty days, however an average 26.95 % cases are pending in 2021 in relation with the atrocities against Dalit women. Highest pendency rate of 42.6% is recorded in the incident of Insult of the Modesty of the Women. 21.3% of the cases of Rape against Dalit women and minor girls are pending at investigation stage.

STATUS OF DISPOSAL OF DALIT MINOR GIRLS CASES BY POLICE- In cases of minor girls, the charge sheet is moved to the courts for rape in 96.2% case. The 93.2% of the cases of Assault on Dalit Women with intention to outrage modesty (SC/ST (PoA) Act r/w Sec 354 IPC) went to the state of trial in this year. The charge sheets filed for Procurement of SC minor girls is recorded at 76.83%, with a pendency rate of 20.1%. Relating to the pendency rate, 14.6% cases are pending in relation with assault on SC Women with intention to outrage modesty and 19.2% cases of rape are pending for charge sheet.

Disposal of the incidents against SC women and minor girls by the Court

After the charge sheet, the NCRB data 2021 of court disposal is quite shocking. The figures below depict the story of injustice to the most vulnerable section of the society evidently.

Court Disposal of the Crimes/Atrocities against SC Women and Minor girls from NCRB 2021

Total no. of the cases under different Form of Violence in 2021	Total Cases for Trial including cases from Previous year	Cases in which Trials were Completed	Number of Cases ending in Conviction	Number of Cases ending in Acquittal	Number of cases Pending Trial at the End of the year	Conviction Rate	Acquittal Rate	Pendency percentage
Assault on Women and minor girls with intent to Outrage her Modesty	15,115	744	221	467	14,359	29.7	62.76	95
Assault on women with intent to Outrage her Modesty	13445	643	186	402	12791	28.9	62.5	95.1
Assault on Minor girls with intent to Outrage her Modesty	1,670	101	35	65	1,568	34.7	64.35	93.9
Rape (Women and Minor girls)	17,322	873	251	592	16,441	28.8	67.8	94.9
Rape of Women	12896	577	173	381	12316	30	66	95.5
Rape (Minor girls)	4,426	296	78	211	4,125	26.4	71.2	93.2

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Attempt to Rape (Women & Minor girls)	434	10	3	7	423	30	70	97.5
Insult to the Modesty of Women	455	20	2	18	435	10	90	95.6
Kidnapping and Abduction of Women to Compel her for marriage	1,912	60	26	32	1,852	43.3	53.33	96.9
Procuration of Minor Girls	77	3	0	3	74	0	100	96.1
Total/Avg.	41,411	2,107	616	1,395	39,277	23.63	73.98	96

CONVICTION: The conviction rate in the crimes against SC women and minor girls appears meagre in all forms of crimes. Mere 29.7% cases of Assault on Women and minor girls with intent to Outrage her Modesty were ended up in conviction. In the most heinous offence of rape with SC women and girls, only 28.8% (251 cases) conviction was made. The highest conviction rate is recorded for the offence of Kidnapping and Abduction of Women to compel her for marriage which is 43.3%. Only 10% of conviction was done in relation with the cases of Insult to the Modesty of Women. Overall conviction average for these forms of violence against the Dalit Women and minor girls is recorded 23.63 % in 2021.

ACQUITTAL- The conviction rate in the crimes against SC women and minor girls appears meagre in all forms of crimes. Mere 29.7% cases of Assault on Women and minor girls with intent to Outrage her Modesty were ended up in conviction. In the most heinous offence of rape with SC women and girls, only 28.8% (251 cases) conviction was made. The highest conviction rate is recorded for the offence of Kidnapping and Abduction of Women to compel her for marriage which is 43.3%. Only 10% of conviction was done in relation with the cases of Insult to the Modesty of Women. Overall conviction average for these forms of violence against the Dalit Women and minor girls is recorded 23.63 % in 2021.

PENDENCY- In all the forms of offences against SC women and girls, the pendency rate is recorded above 90%. As per Section 14(2) of the SC/ ST (PoA) Act, 1989, the state government should ensure that there are the adequate number of courts to dispose of the cases under this Act within a period of two months, as far as possible, however, an average of 96% of cases are pending in the courts in relation with the atrocities against Dalit women and girls. The highest pendency rate is recorded in attempt to rape i.e. 97.5% (423 incidents). 94.9% (16441 cases) of rape

against SC women and girls are pending at the stage of trial. 95% cases of Assault on Women and minor girls with intent to Outrage her Modesty of SC women and girls, and 96.9% of the cases of Kidnapping and Abduction of Women to compel her for marriage are pending in courts.

STATUS OF DISPOSAL OF DALIT MINOR GIRLS CASES BY COURT- 28.9% of the cases result in conviction for the offences of assault on minor girls with intent to Outrage her Modesty. The 26.4% of the cases of rape have been concluded in conviction in relation with the SC minor girls. The assault on minor girls with intent to Outrage her Modesty witnessed acquittal in 64.35% cases. In the offence of rape on SC minor girls, 71.2% accused are being acquitted by the courts. For the offence of Procuration of Minor Girls, the acquittal rate is recorded 100%. Regarding the pendency, 93.9% of the cases of assault on minor girls with intent to Outrage her Modesty are still pending in the courts. In most of the cases of rape against Dalit minor girls, the judgement is still awaited which is recorded at 93.2% and in the cases of the procuration of minor girls, the pendency rate is 96.1%. In 79% of the total cases of violence against minor girls, the accused were acquitted, the conviction rate is 20.3% and the pending cases are 94.2 % which reflects the ineffective implementation of the laws to protect the minor girls from violence.

Low conviction (24%), high acquittal (74%), and high pendency (>96%) of crimes against Dalit women and minor girls demonstrate the government's poor response in tackling atrocities against Dalit women and minor girls.

CONCLUSION

The increasing cases of caste based gender violence against Dalit women and girls clearly shows that the legislative measures to protect Dalit women and girls has not served its purpose of preventing the violence against Dalit women and girls. The facts documented by the NCRB on violence against Dalit women and minor girls indicate the ineffective implementation of the SC/ ST Act, 1989, and the Rules, 1995, and POCSO Act, 2012. It shows the inadequate

preventive measures are taken as per the SC/ ST Act and the low conviction rate in the cases of caste based gender violence leads to the increasing number of crimes against Dalit women and minor girls. Thus, the objective of the SC/ ST (PoA) Act for the prevention as well as addressing violence is defeated by the high rates of acquittal, low rates of conviction and the high rates of cases still pending in the court.

The NCRB provides the segregated data only for three offence against SC minor girls which are:

- Assault on SC girls with intention to outrage modesty,
- Rape of minor girls, and
- Procuration on SC minor girls.

Only integrated data is available regarding the offences of Attempt to rape, insult to the modesty and Kidnapping and Abduction to Compel her for marriage, the integrated data is given. The segregated data is absent in the report which does not provide the facts on crimes against the SC minor girls specifically.

Call for action

As Dalit women's movement, we All India Dalit Mahila Adhikar Manch engage with national and international agencies to address caste-based gender violence at the National and International levels. We recommend the international and the national agencies to place caste and gender based violence at the centre of their interventions to address, prevent and end violence against women and girls.

NATIONAL LEVEL

- 1 The Indian Government should take up preventive measures to combat violence by mapping atrocity-prone areas (districts) and setting up a Protection Cell to implement the constructive actions as mentioned in Rule 8(1) of SC/ ST (PoA) Amendment Rules 2016 to ensure safety for Dalit women and children from gender and caste based violence.
- 2 The National Crime Reports Bureau (NCRB) should provide national and state level segregated data of all forms of violence committed against Dalit women and minor girls.
- 3 Establish effective and inclusive monitoring mechanisms for better enforcement of the SC/ ST (PoA) Amendment Act, from the stage of registration of First Information Report to the Judgment stage, to ensure fair and speedy justice for Dalit women and minor girls.
- 4 Rehabilitation of the survivors of caste and gender based violence has to be ensured by targeted schemes for promoting survivors' self-sufficiency. Thus, housing, livelihood, educational facility, and safety including free legal support should be provided in the cases of rape.
- 5 Take immediate legal and departmental disciplinary action against the police and public officials who neglect to discharge their duties under Section 4 of the SC/ ST (PoA) Amendment Act.
- 6 Establish an adequate number of Exclusive Special Courts with improved infrastructure as prescribed by the SC/ST (PoA) Amendment Act under Section 14 to ensure that cases under the SC/ ST (PoA) Act are disposed off within a period of two months, as far as possible.
- 7 Ensure the formation of State and District level Vigilance and Monitoring Committees, and organize regular meetings of these committees for better implementation of the SC/ST (PoA) Amendment Act.
- 8 Hold public campaigns to create awareness on the "Rights of Victims and Witnesses" under Section 15(A) of the SC/ ST (PoA) Amendment Act and procedures to access justice in cases of sexual abuse.
- 9 Increase the budget allocation for the health care of Dalit women and girls and establish a targeted monitoring system on the health care of Dalit women for remedial measures with the focus to provide psycho-social support for the survivors according to the SC/ST (PoA) Act.

INTERNATIONAL LEVEL

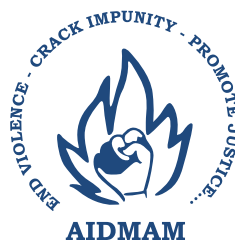
- 1 United Nations Organisations should take measures required to ensure that persons belonging to the Dalit community may exercise all of their human rights and fundamental freedom without discrimination and in full equality before the law.
- 2 The UN Minority forum should have a specific focus on ending violence against Dalit women and girl children considering the increasing rate of caste and gender violence against them.
- 3 The UN Human Rights Council and other international Human Rights bodies should adopt the UN Principles and Guidelines and hold an international conference on eliminating all forms of discrimination based on work and descent.
- 4 We call upon solidarity from feminist movements around the world to bring Dalit women's experiences from India to escalate our voices and mainstream the caste and gender issues globally.

About

ALL INDIA DALIT MAHILA ADHIKAR MANCH (AIDMAM) - NCDHR **@ ALL INDIA DALIT WOMEN'S RIGHTS FORUM- NCDHR**

National Campaign on Dalit Human Rights (NCDHR) is a coalition of Dalit Human Rights activists and academicians which was founded in 1998 with the aim to put an end to all kinds of caste based discrimination. All India Dalit Mahila Adhikar Manch (AIDMAM), a unit of NCDHR initiated in the year 2006 to specifically address Dalit Women issues with its operations in seven States of North India- namely, Bihar, Delhi, Haryana, Madhya Pradesh, Maharashtra, Odisha, and Uttar Pradesh

AIDMAM as a Dalit feminist movement- primarily focuses on the promotion of grassroots-level leadership among women and girls from Dalit community who are best positioned to create sustainable change with the agenda of ending and preventing violence against women and girls. We create a space where we can unite against violence against women and girls from the grassroots level to the international level with an intersectional approach that addresses caste and gender issues. We work with the goal of monitoring Dalit women's human rights violations through fact-finding and providing legal support for the survivors of caste and gender-based violence, promoting and improving Dalit women and girls' access to rights and entitlements; and promoting and strengthening Dalit women's leadership in the local self-government. Our core team of Dalit women leaders from the mentioned seven states is committed to assisting the community in accessing their social and economic entitlements as well.



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