



Date: April 6, 2023

To,

Mr Vijay Sampla,

Chairperson,

National Commission for Scheduled Castes,

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**Subject: Complaint against Bihar police for beating up minor Dalit boys as they were celebrating Holi**

Respected Sir,

We, at Citizens for Justice and Peace are concerned about an incident reported from Aurangabad, Bihar where the police allegedly beat up young Dalit boys and even manhandled women during Holi celebrations.

On March 12, a shocking incident of being oppressed by the protector came to light in Aurangabad, Bihar as minor Dalit boys were beaten up by the police for playing DJ music during Holi celebration. The women then sat on an indefinite Dharna against this abhorrent act. This incident took place in Bantara village of Devkund police station in Aurangabad. The women sitting in protest demanded that the police officer, Subodh Kumar Singh, be suspended. The women, interviewed by NavBharat Times said they were going to sit there on a hunger protest. They also claimed that false cases were filed against them. They further claimed that the women who went to save the children from the beatings were also beaten up by the police and false cases filed against them.

In detailed on ground report by NBT, the publication spoke to the women sitting on dharna, demanding action against the police officers. One woman recounted the incident and said that around 8-9pm some music was being played and the boys were dancing to celebrate Holi. Just then the Police came and started beating up the boys. She said that they gave no reason for why they were being assaulted and when the women went ahead to save the boys, the women were also beaten.

A detailed report of NavBharat Times can be viewed on this link:

[https://www.youtube.com/watch?v=yAp4wV\\_QN7s](https://www.youtube.com/watch?v=yAp4wV_QN7s)

It is disheartening to see that despite the numerous laws and provisions made for the protection of Dalits, they continue to be subjected to atrocities and are denied even basic human rights. Completely unprovoked, the police came and started attacking young boys, including minors as well as women. This was completely owing to the fact that they belonged to Dalit community. It is even more alarming that these acts of violence are often perpetrated with impunity and are rarely met with appropriate legal action.

The police who are supposed to be the protectors of the public, in this case, have turned out to be the oppressors and attackers themselves, leaving no hope for the victims and their families. The denial of basic human rights to Dalits is a grave concern. This incident is a classic example of blatant discrimination and social prejudices against the Dalits. In all probability, the police officer was opposed to Dalits playing music and dancing while celebrating Holi, which is as per certain “upper castes” a privilege only accorded to them and not the Dalits. This is a clear case of caste based violence.

Social discrimination against Dalits remains a pervasive issue and they face violence over the most insignificant acts like listening to music, riding a horse, wearing a turban, all of which are considered by the privileged castes as acts only fit for them and not for the “lower castes”. These indicate that segregation is still persistent in society and Dalits face exclusion in daily activities on a daily basis.

If such acts are let off with impunity, it is a clear violation of the fundamental right of Dalits against discrimination and also untouchability. These are all subtle manifestations of practicing untouchability and hence, the Constitution does not define the term untouchability so as to include such ever widening scope of the term.

Sir, in this day and age if such practices remain prevalent and are allowed to go unpunished, the future of Dalits in the country will continue to remain under shadows and their upliftment will continue to remain a far fetched dream.

#### **Violation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence

(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence

**4. Punishment for neglect of duties.**—(1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

### **Violations under Indian penal Code**

166. Public servant disobeying law, with intent to cause injury to any person. - Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

### **Targeted Crimes against India's SCs, a Pattern of Abuse**

According to the recent report released by the NCRB, a total of 50,900 cases were registered for committing crime against India's Scheduled Castes (SCs) and 8,802 cases were registered for committing crime against India's Scheduled Tribes (STs) in the country. It shows a consistent increase in the crime rate. In comparison to the year 2020, in 2021 the rate of atrocities has increased by 6.4% in case of ST's and by 1.2% in case of SC's. The nature of cases reported include rape of women and children, attempt to rape, sexual harassment, acid attack, assault on women with intent to outrage her modesty, stalking, voyeurism, kidnaping and abduction, riots, robbery, arson, criminal intimidation, intentionally insult or intimidate with intent to humiliate, occupy/take possession of lands belonging to SCs and STs, prevent/deny or obstruct usage of public places/passages, force to leave the place of residence or social boycott and practices of untouchability.

There are a total of 70,818 cases of atrocities against SCs and 12,159 against STs pending for investigation at the end of the year 2021. A total of 2,63,512 cases of SCs and 42,512 cases of STs were placed for trial in the courts. At the end of the year, more than 96 percent of the total cases were still pending for trial. Though the charge-sheeting percentage was more than 80% but the conviction rate was below 40%. This shows the status of our criminal justice administration specially access of vulnerable victims to speedy trial and justice.

The trauma and ignominy of the targeted crime is made worse by the hurdles in the access to justice. The struggles of many Dalit families who experience atrocities do not end with the crime perpetrated against them.

**Sir, this needs your immediate attention and rapid action. We urge the National Commission for Schedule Castes to make an example of this case that on all appearances amounts to a targeted hate crime against one of our most vulnerable sections of society.**

We therefore urge you:



- to immediately hold an investigation and inquiry into this matter with respect to the acts committed by the accused under the Indian Penal Code, the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989;
- to inquire if any action has been taken against Station in-charge, Devkund Police station, Aurangabad, Bihar
- to inquire if any compensation was given to the affected families; if not, take necessary steps to ensure compensation is given to the families of the victims
- to inquire about the false cases filed against the aggrieved families, as claimed by them
- to take any other action as you may deem fit.

Yours sincerely,

Nandan Maluste, President

Teesta Setalvad, Secretary