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MANUFACTURING REASONABLE DOUBT

CASTE PREJUDICE IN SPECIAL SC/ST COURTS



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Title: Manufacturing Reasonable Doubt: Caste Prejudice in Special SC/ST Courts

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About Us: The *Centre for Annihilation of Caste*, also known as the *Caste Centre*, is a non-profit, non-partisan online think tank focused on researching laws and policies related to Dalits and dedicated to advocating for Dalit Rights. Inspired by Dr. B. R. Ambedkar's seminal work, *Annihilation of Caste* (1936), the *Caste Centre* was founded on 26th November 2021.

Editorial Note: This research report is not merely an academic exercise but is primarily intended to advocate for legislative and policy reforms. The language used may be perceived as radical, as activist dimensions are intentionally prioritised over academic framing. The report is not constrained by external interpretations of acceptable tone and tenor.

Let's annihilate caste before it annihilates us!

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Manufacturing Reasonable Doubt

Caste Prejudice in Special SC/ST Courts

The low conviction rate in cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, cannot be attributed solely to the alleged filing of false cases, as is often claimed. In reality, several systemic issues contribute to this phenomenon, including legal loopholes, procedural delays, and flawed investigations. Among the most concerning reasons is the deliberate subversion of justice through what has been termed the “Manufacturing of Reasonable Doubt.” It is an insidious practice prevalent in many Special SC/ST Courts, where key functionaries, driven by caste prejudice, intentionally create circumstances that push the complainant-victim to turn hostile. This tactic compels the complainant-victim to withdraw their statement, fail to identify the accused, or deny critical particulars of their earlier testimony. Given that a conviction requires proof beyond reasonable doubt, the deliberate manufacturing of such doubt results in acquittals.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act”), was enacted to prevent the offenses of atrocities against the members of the Scheduled Castes and the Scheduled Tribes and to provide for special courts for the trial of such offenses, as well as relief and rehabilitation for victims. The Act represents a significant step in addressing the historical injustices and systemic discrimination faced by these marginalized communities.

Section 3 of the Act provides an exhaustive definition of atrocities, encompassing a wide range of acts that demean the dignity of the Scheduled Castes and the Scheduled Tribes. These range from physical violence and sexual assault to verbal abuse, social ostracism, and the imposition of economic or social boycotts, reflecting the myriad ways in which caste-based oppression manifests.

Being a criminal statute, and that too a stricter and specialized one, the burden of proof on the prosecution is immense. The principle of proving beyond reasonable doubt, which is a cornerstone of criminal law, becomes a formidable challenge given the complexities involved in such cases, including societal pressures, reluctance of witnesses to come forward, and the entrenched power dynamics favoring the accused.

The Act is not a universal provision but a targeted protective measure designed exclusively for the Scheduled Castes and the Scheduled Tribes. It recognizes the disproportionate vulnerability of these communities and seeks to deter crimes committed by individuals from non-SC/ST backgrounds, typically the so-called upper castes.

This targeted applicability has led to resentment and active opposition from the so-called upper castes, who perceive it as discriminatory. They have not only alleged misuse of the law but also spread misinformation, such as exaggerated claims about false cases and the low conviction rate, to discredit the Act.

Low Conviction Rate

Conviction rate is the percentage of cases that resulted in conviction among the total number of cases wherein trial was completed. It is reported in the Crime in India Report, published by the Bureau of Police Research and Development under the Ministry of Home Affairs.

The conviction rate is not at all convincing. As per the latest report (2022), the conviction rate under the Act is a meagre 34.1%, slightly lower than 36% in 2021. In 2022, there were 16,538 cases in which trial was completed; however, among these, only 5,629 cases resulted in conviction. The report does not provide any reasons behind this rate but only refers to how these numbers and the resulting rate are calculated.

Just like any other specialised criminal statute, there can be many reasons for this low conviction rate, including systemic challenges such as delays in investigation, procedural

lapses, hostile witnesses, lack of awareness about legal rights among victims, and societal pressure on victims and witnesses to withdraw or weaken their cases. Another major challenge is the requirement of high evidentiary standards under the Act, which places a heavy burden on the prosecution to prove cases beyond reasonable doubt.

However, the so-called upper castes attribute this low conviction rate to a single reason: the alleged filing of deliberate fake cases by the Scheduled Castes and the Scheduled Tribes. This narrative disregards the deeply entrenched caste dynamics, institutional biases, and the structural barriers that often prevent victims from securing justice. Instead of addressing these systemic issues, this misrepresentation is used as a tool to discredit the Act and undermine its purpose.

Charge of Fake Cases

The so-called upper castes accuse the members of the Scheduled Castes and the Scheduled Tribes of fabricating cases of atrocities and filing false First Information Reports (FIRs) to settle personal disputes or to exploit the provisions of the law for monetary relief. They allege that the primary motivation behind these supposed false cases lies in the monetary relief provided under the law. These allegations, however, are often unsupported by evidence.

As per Rule 12(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as “the Rules”), immediate relief in the form of monetary compensation is provided to the complainant-victim to help them withstand the financial and emotional strain associated with a long and arduous criminal trial. Annexure 1 of the Rules prescribes different amounts of compensation for various offenses, categorized by their severity. For instance, offenses like grievous physical injury or destruction of property attract higher compensation amounts, whereas cases involving verbal abuse or humiliation receive comparatively lower sums.

However, these amounts are grossly insufficient to cover the costs of legal battles, let alone address the trauma and hardships endured by the victims. Often, victims are forced to incur substantial out-of-pocket expenses, including lawyer fees, transportation costs, and other incidentals, which far exceed the compensation awarded under the Rules. For example, the compensation for an offense involving caste-based slurs is a mere ₹25,000, an amount that barely accounts for the financial, social, and psychological toll inflicted on the victim. Furthermore, the mental health repercussions of such incidents remain unquantified and unaddressed, leaving victims to navigate their suffering without adequate support or acknowledgment.

The low conviction rate in cases under the Act cannot be attributed solely to the alleged filing of false cases, as is often claimed. In reality, several systemic issues contribute to this phenomenon, including legal loopholes, procedural delays, and flawed investigations. Among the most concerning reasons is the deliberate subversion of justice through what has been termed the “Manufacturing of Reasonable Doubt.”

Manufacturing Reasonable Doubt

It is an insidious practice prevalent in many Special SC/ST Courts, where key functionaries, driven by caste prejudice, intentionally create ambiguities in evidence, deliberately suppress key facts, coerce or tamper with witnesses, and delay proceedings to prevent the conviction of accused individuals. Given that a conviction requires proof beyond reasonable doubt, the deliberate manufacturing of such doubt frequently results in acquittals.

This practice is entirely dependent on the key functionaries working in the Special SC/ST Courts. They play a central role in initiating and enabling the manufacturing of reasonable doubt, which is then allowed to manifest into the final judgment. The accused alone cannot initiate this process; it is only through the collusion of the accused with these functionaries,

and their shared caste biases against the complainant-victim, that this practice achieves its intended effect.

The Act and its subsequent Rules, which establish the Special SC/ST Courts, also provide for the appointment of these key functionaries.

Special SC/ST Courts and Three Key Functionaries

Section 14(1) of the Act establishes the Exclusive Special Courts and the Special Courts. To facilitate speedy trials, the State Government, with the concurrence of the Chief Justice of the High Court, is required to set up an Exclusive Special Court for one or more districts. In districts with fewer cases under the Act, the State Government, in agreement with the Chief Justice of the High Court, may designate the Court of Session in those districts to act as a Special Court for trying offences under the Act.

Three Key Functionaries

The Act designates three key functionaries responsible for the operation of these Special Courts: (1) the Judge, (2) the Special Public Prosecutor, and (3) the Investigating Officer.

Judge

The Judge of a Special SC/ST Court adjudicates cases under the Act. Unlike the provisions for appointing Special Public Prosecutors and Investigating Officers, the Act does not specifically mandate the appointment of a Special Judicial Officer as the judge of these Special Courts. However, given the severity of punishments prescribed under the Act, the appropriate jurisdictional court is the Court of Sessions, which is presided over by a judge of the rank of Additional District Judge (ADJ).

Special Public Prosecutor

Section 15 of the Act addresses the appointment of the Special Public Prosecutor and the Exclusive Special Public Prosecutor. According to Section 15(1), the State Government must appoint a Special Public Prosecutor for each Special Court to handle the cases in that court. Section 15(2) similarly mandates the appointment of an Exclusive Special Public Prosecutor for each Exclusive Special Court.

Investigating Officer

Rule 7 of the Rules provides for the appointment of an Investigating Officer from the police services. It mandates that the officer appointed must be of at least the rank of Deputy Superintendent of Police to investigate any offence committed under the Act.

Cohort of Three Key Functionaries

It is important to recognize that it is not necessary for the cohort of these three key functionaries to actively collaborate in a formal or overt manner. It is entirely possible for the manufacturing process to be initiated by just one functionary, whether at the investigation stage or during the trial. Once initiated, the other two often passively play along, either by omission or commission. Their complicity does not arise from explicit deliberations or direct coordination but through an unspoken understanding rooted in shared caste biases.

The meeting of minds within this cohort happens on a more subtle, almost instinctive level. Each functionary is aware of the irregularities occurring in the case but refrains from intervening, either due to indifference or because they share a common prejudice against the complainant-victim. This tacit agreement is facilitated by institutional cultures that tolerate or even encourage caste-based biases, making these practices routine rather than exceptional.

The initiation of manufacturing doubt at any stage—be it through suppression of evidence during the investigation, biased representation by the prosecutor, or judicial leniency during the trial—can irreparably taint the case. Even when only one functionary takes active steps to subvert the process, the others’ failure to act as checks reinforces the cycle of injustice. Their non-intervention not only undermines their ethical and legal duties but also perpetuates a system that privileges caste loyalties over constitutional ideals.

The caste of these three key functionaries, though ideally should not be a matter of concern, does matter when the whole framework of the Act is rooted in caste dynamics. Even though they are under oath to serve and protect constitutional ideals, their caste identity and their shared grievances against the members of the Scheduled Castes and the Scheduled Tribes often interfere with their work. This raises critical questions: how far are they willing to go against their own caste in favor of those whom their caste brethren despise? While some may indeed have the integrity and courage to prioritize the law over societal biases, others are deeply entrenched in caste prejudice, going to great lengths to secure acquittals for upper-caste accused.

Upper-Caste Accused

The Act protects only the Scheduled Castes and the Scheduled Tribes, making it clear that the accused charged under the Act typically belong to the so-called upper castes in relation to the complainant-victim. The accused's upper-caste identity plays a critical role in the entire case, influencing not only the perceptions of the key functionaries but potentially the outcome of the trial.

The three key functionaries are not immune to recognizing caste identities—on the contrary, in some jurisdictions, the caste of both the complainant and the accused is explicitly mentioned

in investigation reports, reinforcing the visibility of these identities. If these functionaries share their caste identity with the accused, the likelihood of caste prejudice influencing the case increases significantly. It is this caste solidarity which manifests in the manufacturing of reasonable doubt.

What binds these three key functionaries with the upper-caste accused is a shared sense of grievance against members of the Scheduled Castes and Scheduled Tribes. Many find it hard to reconcile with the fact that individuals from historically marginalized communities now wield the legal power to initiate criminal proceedings against members of "higher" castes. This reversal of social power dynamics is seen by some as a threat to the existing social order.

Moreover, these key functionaries operate within a social ecosystem deeply rooted in caste hierarchies. Outside their official duties, they return to the same communities where their caste identity determines their social standing. The fear of being labeled a traitor by their caste peers dissuades them from acting impartially or going the extra mile for the complainant-victim. Such labeling can have tangible repercussions, including ostracization or loss of social capital, which further entrenches caste loyalty over professional ethics.

Local Caste Factors

Even though every accused charged under the Act belongs to the so-called upper castes vis-a-vis the complainant-victim, they may not necessarily belong to the dominant caste of the region where the offense has occurred. Accused individuals from dominant castes wield significantly more influence over the outcome of a case compared to those from non-dominant upper castes.

Dominant castes possess extensive social and economic capital, which gives them easier access to the three key functionaries of the Special SC/ST Court, enabling them to manipulate proceedings and manufacture reasonable doubt. For instance, in a Jat-dominated district in Haryana, an accused belonging to the Jat community has more resources and networks at their

disposal to sway investigations and proceedings than a general upper-caste accused with less regional clout.

How to Manufacture Reasonable Doubt

There are many ways to manufacture a reasonable doubt. However, not every way is considered safe or foolproof. The key functionaries understand that the doubt must be created in a manner that makes it impossible to trace their involvement. They aim for a method where they can plausibly deny responsibility, claiming to follow the rules and asserting that the outcome was beyond their control.

The key functionaries are also answerable to their superiors. Their acts of omission or commission are subject to scrutiny, and any irregularity could jeopardize their professional standing. The manufacturing process, therefore, must be executed in such a way that every stage of the case—investigation, prosecution, and judgment—remains ostensibly above reproach. The investigating officer must ensure that his work appears thorough and untainted by bias. The prosecutor cannot afford to let his conviction record be questioned. Similarly, the judge must craft a reasoned judgment that withstands appellate scrutiny and does not reveal overt prejudice.

As a result, the safest and most effective method of manufacturing reasonable doubt is to involve the complainant-victim himself in the process. By exerting pressure or creating circumstances that push the complainant-victim to turn hostile, key functionaries can undermine the case without appearing culpable. This tactic compels the complainant-victim to withdraw their statement, fail to identify the accused, or deny critical particulars of their earlier testimony. This approach exploits the inherent vulnerabilities of the complainant-victim, who

belongs to marginalized communities already subjected to systemic social and economic pressures.

This report investigates the deliberate and systemic use of this specific method of manufacturing reasonable doubt.

Recipe for Manufacturing Reasonable Doubt

This specific method is a multi-step recipe requiring three key ingredients: (1) threat, (2) allure, and (3) counsel. Each of these is carefully measured and sprinkled by the cohort of three key functionaries, who act as chefs in this insidious kitchen.

The threats are the spices—sharp and intimidating, used to overwhelm the complainant-victim with fear of retaliation or social ostracism. The allure is the sweetener—a tempting promise of money, safety, or acceptance, designed to neutralize resistance. Finally, the counsel is the garnish—a seemingly benign suggestion, whispered with authority, guiding the complainant-victim to act in a way that weakens their own case.

Once prepared, this concoction of manufactured doubt is handed over to the complainant-victim, who unknowingly becomes the waiter in this process. He serves the carefully crafted dish of doubt to the court, delivering ambiguities in testimony, retractions of statements, or outright contradictions. The accused, seated comfortably at the other end, is the satisfied diner, walking out of the Special SC/ST Court fully acquitted, leaving justice to starve.

Step 1: Allow the Accused to Threaten the Complainant-Victim

The first step involves "allowing" the accused and his relatives or friends to intimidate the complainant-victim, leveraging both direct and indirect threats. Since the term “victim” extends beyond just the complainant to include their family members, the threat also targets their loved ones. These threats aim to scare the complainant-victim into abandoning the trial, forcing them

into an uneasy settlement. However, the sheer force of the threat alone is rarely sufficient, as it often clashes with the complainant-victim's sense of justice. Therefore, additional incentives are offered alongside the threat to ensure that the complainant-victim feels there is no alternative but to comply.

Step 2: Allure the Complainant-Victim with Monetary Compensation

Once fear has been instilled, the second step is to allure the complainant-victim with the promise of financial compensation beyond what is immediately available through state relief. The accused or their affiliates promise a significant settlement, framing it as a way to alleviate the victim's hardships, including potential costs incurred during the trial. This monetary offer serves as a powerful carrot, combining with the initial threat to further pressure the complainant-victim into abandoning their pursuit of justice. The temptation of financial security outweighs the often daunting, uncertain process of legal battle, especially when the complainant-victim is in a vulnerable financial position.

Step 3: Counsel the Complainant-Victim to Turn Hostile in Court

The third and final step in this manipulative process is the act of counseling the complainant-victim to turn hostile during court proceedings. At this stage, the complainant-victim is instructed to deny their original statement, refuse to identify the accused during cross-examination, or retract critical parts of their testimony, including details from their FIR. This step effectively sabotages the prosecution's case, as the victim's failure to corroborate their own statement creates reasonable doubt. The principle of "beyond reasonable doubt" is then used to acquit the accused, ensuring that the case collapses under the weight of contradictions.

Annihilating the Practice of Manufacturing Reasonable Doubt

To annihilate the practice of manufacturing reasonable doubt, it is essential to strengthen the protection of the complainant-victim throughout the judicial process. This includes ensuring that any changes in their testimony, particularly when they turn hostile or retract previous statements, are carefully scrutinized for external influences. Enhanced safeguards must be introduced to prevent coercion or threats against the complainant-victim. For example, court-appointed security measures could be implemented to protect them from intimidation, and regular monitoring of their well-being could help ensure their testimony remains unaffected by external pressures. This would help to create a more transparent judicial process where external influences and caste-based biases are minimized.

Strategic Litigation: Judicial Guidelines Mandating Re-investigation

Strategic litigation can play a key role in addressing the practice of manufacturing reasonable doubt by requiring judicial intervention when a complainant-victim's testimony is altered or withdrawn. Courts could issue clear judicial guidelines directing a re-investigation in cases where there is evidence of coercion or manipulation of the complainant-victim. This would include identifying and addressing any unexplained discrepancies in the complainant-victim's statements, particularly when such changes seem to stem from external pressure or threats. Additionally, Public Interest Litigation (PIL) could be employed to highlight cases where the complainant-victim is under duress, urging courts to uphold the integrity of the victim's initial testimony and ensure that justice is not subverted.

Strategic Legislation: Criminalizing the Practice of Manufacturing Reasonable Doubt

While new legislation may not be required, existing laws can be amended to criminalize the deliberate manipulation of the complainant-victim's testimony. Amendments could be made to explicitly criminalize coercion, threats, and the suppression of testimony under the Act. This

would serve as a deterrent against the manufacturing of reasonable doubt by making it a punishable offense to intimidate or manipulate the complainant-victim, whether directly or indirectly. Legal amendments could also reinforce penalties for those involved in obstructing or tampering with the complainant-victim's ability to provide truthful and consistent testimony, ensuring that such actions are treated with the utmost severity.

Policy Proposal: Appointment of Only SC/ST Prosecutors as Special Public Prosecutors

To curb this issue, it is essential to appoint at least one functionary from the Scheduled Castes or Scheduled Tribes. However, the office of the judge cannot be community-specific, as it would raise concerns about bias and partiality. Similarly, mandating a community-specific investigating officer could lead to allegations of favoritism. Therefore, the office of the prosecutor stands out as the most viable position to ensure representation without compromising impartiality.

A community-specific Special Public Prosecutor could effectively address the practice of manufacturing reasonable doubt while remaining above the charges of bias. This is because the prosecutor's role is inherently reliant on the evidence gathered by the investigating officer and the adjudication by the judge, thus mitigating concerns about undue influence.

Therefore, Special Public Prosecutors should be exclusively drawn from the Scheduled Castes and the Scheduled Tribes communities. This would help minimize the risk of caste prejudice. Prosecutors from these communities would have a deeper understanding of the challenges and vulnerabilities faced by the complainant-victim, particularly in cases where their testimony is manipulated. Ensuring that these prosecutors are less likely to be swayed by caste solidarity or external pressure would help preserve the integrity of the case and support the complainant-victim's rights throughout the judicial process.

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STAKEHOLDERS TARGETED

National Commission for Scheduled Castes (NCSC); Ministry of Social Justice and Empowerment (MoSJ&E); Scheduled Castes (SC) Morcha, Bharatiya Janata Party (BJP); Scheduled Castes (SC) Department, Indian National Congress (INC); Scheduled Castes (SC) Departments of Major National and State Political Parties; and Elected Members of the Parliament of India and State Legislative Assemblies from Constituencies Reserved for Scheduled Castes.

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