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## Bridging the Gap between Law and Practice: Implementation of the SC/ST (PoA) Act in Maharashtra and Chhattisgarh

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**Abstract:** This paper critically analyzes how the PoA Act is effective in bringing justice to the marginalized communities. Although the Act has powerful legal provisions, there are some challenges that have been observed to be persistent, including slow investigations, low conviction rates, lack of awareness, and lack of victim rehabilitation, which are still hindering its effects. The research design is a descriptive research design that incorporates both the primary (interviews and surveys of victims, police and legal workers) and secondary research (NCRB statistics, governmental reports and even the recommending decisions of judges). The comparative analysis of the Maharashtra and Chhattisgarh states shows the strong differences between the countries: in the former, the reporting and awareness are higher, and in the latter, the process of prosecution is more efficient, and the compensation measures towards the victim are somewhat better. The results point to the obstacles that are systemic among the institutions of enforcement and the dire need of capacity building, reforming of the judiciary and better relations in the process of coordination between legal and administrative departments. The research finds that the only way to close the gap between the law intention and its ground-level execution is to not only provide efficiency when it comes to the procedure, but also to administer a socio-legal devotion to equality and justice.

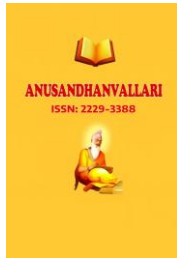
**Keywords:** SC/ST (Prevention of Atrocities) Act, caste-based violence, implementation, Maharashtra, Chhattisgarh, conviction rate, victim rehabilitation, judicial process, social justice, law enforcement, etc.

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### 1.1 Introduction:

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act) was also passed to combat endemic caste-based violence and institutionalized discrimination by criminalising certain specified atrocities and by establishing institutional mechanisms such as special courts, relief and rehabilitation norms and state-level monitoring to ensure accession to justice by SC/ST communities (Krishnan, 2012). Regardless of these legal innovations, the skilled quality of the investigations, trial delay, poor witness protection, and failure to rehabilitate the victims persist in implementation gap in spite of which the Act undermines its purpose of deterring (NCDHR/IDSN monitoring reports; state evaluation studies). This disparity is not just technical: it opens up institutional prejudices in policing, prosecution and local administration that dictate the extent to which formal rights to the law bear any practical outlet to remedy victims (empirical tests of state-level application).

The examples of Maharashtra and Chhattisgarh provide some teaching experiences. The state of Maharashtra, which has a history of social movements, a large Dalit political mobilization, and state-based research (including the assessments of the Tribal Research and Training Institute) will give both clues to policy innovations (targeted relief programs, special investigation units) and persistent limitations (police non-registration or downgrading of FIRs, social retaliation against complainants) that determine the case outcomes and experiences of the victims (TRTI Maharashtra evaluation). Patterns of atrocity reporting and redress in Chhattisgarh are inter- games with unique local dynamics -land in rural areas, forest based livelihood and various capabilities of



police - giving rise to implementation paths which are divergent to those recorded in more urbanised Indian states. Such comparative levels of focus on these two states therefore reveals the role of regional administrative capacity, political will and local socio-economic structure in mediating the effectiveness of the PoA Act.

Three interconnected mechanisms are highlighted in the scholarly analysis of implementation failure (negligence): (1) a problem of bureaucratic bottlenecking (investigation, charging, and trial delays); (2) an institutional incentive and training issue (police and prosecution) that results in the mis-classification or under-utilization of PoA provisions; and (3) social-political costs the victims and witnesses bear (retaliation, economic ostracism and insufficient access to long-term legal representation) which make them unwilling to pursue legal redress (empirical To improve implementation and make it stronger, procedural changes (specialised investigation/training, fast-track monitoring), a strong system of witness-protection/legal-aid, and extended civil-society-state collaborations would be necessary to hold anyone accountable.

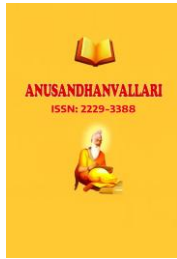
The law-practice gap in Maharashtra and Chhattisgarh is examined in this paper, both in relation to a mixed lens: to the extent that state-level data and published assessments are placed in the context of larger bodies of empirical and theoretical research on PoA implementation, to the extent to which state-level promise is mapped against actual state practices in the context of a particular state can help identify institutional bottlenecks and practices that can free up the gap between statutory promise and state-of-the-ground justice. Through the comparison of two different state contexts, the research seeks to produce policy relevant solutions to enhance investigations, legal procedures and victim support functions such that the PoA Act achieves its constitutional role of substantive equality.

## 1.2 Literature Review:

The available literature on the PoA Act suggests three general groups of analysis, namely, the trends of the empirical literature, the institutional bottlenecks of the work, and the discussion of the effectiveness of the law and its misuse. To begin with, the trend-studies of empiricism underline the gap that has continuously existed between prosecutorial outcome and statutory intent. Indicatively, Sashittal (2023) examines national crime statistics and establishes that despite atrocities against SCs/STs being disproportionately reported, fewer of these atrocities get proven in court, with the 25.7-20.8 percent and 20.8-25.7 percent being the conviction rates of SC and ST offenders, respectively, in 2016, as compared to higher rates of general crime offenders. Similarly, in his regional study of Northern and Western Indian states Sarkar (2024) demonstrates that other states such as Maharashtra have high crimes against Scheduled Tribes but with a wide registration-conviction differentials. These statistics indicate that legal ban is not a sure way of providing remedial justice to the marginalised groups.

Second, institutional and procedural studies identify important bottlenecks of implementation. Verma (2022) gives a legal-analytic overview of the framework of the Act and mentions that although on paper, it has nominal tough language (cognisability, non-bailable offences, special courts), in reality FIRs are not always registered by police, parts of special court infrastructure are unfinished, and victim-awareness is low. The Law. As insisted on by institute (2023), bureaucracy in payment of relief, lack of coordination between various departments and deep-rooted caste prejudice in enforcement agencies also affects the Act operation. A district-level sociological study by Bhagath Singh and Ashwini (2024) located in Karnataka revealed that the inadequacy of reporting (underreporting) and intimidation of witnesses promotes hindrance of the equitability of the implementation. These results indicate that the mediation of the deliverance of laws is conditioned by the capacity of the state and rather the institutional disposition and the local socio-political forces.

Third, jurisprudential literature on the topic of this issue is deeply divided on whether the PoA Act has served as an instrument of social justice or this tool has been weakened by misuse or dilution. As Bhartiya (2018) describes, the Act describes itself as a possible instrument of social justice or a vengeful tool at other times even



though the punitive aspect of law has overtaken some preventive and rehabilitative measures. The article by Tamgadge and Khobragade, (2024) discusses the 30-year history of the Act, and claims that, in spite of legislative adaptation (particularly the 2015 Amendment), its major gaps remain, particularly in protection of the victims, speedy processing and meaningful rehabilitation. According to the literature, though PoA Act holds a significant normative space, its implementation in substantive equality is yet to be achieved.

Taken together, these literary threads bring to your attention a number of lessons that apply to your comparative subject on Maharashtra and Chhattisgarh. One, the empirical evidence indicates that the variation at the state level is a crucial issue: the states with a stronger institutional capacity and the existence of an active civil-society drive have a relatively better reporting or follow-up path (despite remaining weak). Second, procedural and institutional clogpoints, police specification, procrastinated chargesheets, feeble special-court systems, victim-support failures exist, these difficult patterns are geographically cutting, and thus need to be empirically unwound in the state context. Third, critical literature touches upon the necessity of combining preventive and rehabilitative aspects (not only punitive ones) and finding the ways to implement them in socio-political contexts (caste processes, tribal-renal wars, political goodwill). These understandings are the analytical prism of the current study: that which examines the impact of state-specific governance, policing and socio-economic structure on the law-practice gap in Maharashtra and Chhattisgarh; and what can be said about institutional and policy leverages bridging the gap in each of the state contexts.

### 1.3 Objective:

The overall aim of the research is to investigate the enforcement of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in the state of Maharashtra and Chhattisgarh detecting the gap between the legislative intent and realities, evaluating the performance of the institutions, and proposing the policy changes to supplement the justice delivery and victim protection systems.

### 1.4 Methodology:

The research design used in the study is descriptive research design, aimed at investigating the implementation of the act, SC/ST (Prevention of Atrocities) Act, 1989 in Mahara and Chhattisgarh. Primary, and secondary data is used and primary data is gathered using structured questionnaires and by interviewing the victims, police officials and legal practitioners whereas secondary data is obtained by use of government reports, NCRB statistics and judicial records. A purposive sampling method is used to pick 200 respondents, 100 people each in their respective states to ensure that key stakeholders who directly had the influence on the implementation of the Act and its effect on the affected communities are included in the sample.

## 2. Results and Discussion:

In order to track the trend of the SC/ST (Prevention of Atrocities) Act, secondary data has been studied based on the National crime records bureau (NCRB, 2023) and official judicial reports in Maharashtra and Chhattisgarh.

**Table 1: Atrocities Registered and Conviction Rates under SC/ST (PoA) Act (2023)**

State	Total Cases Registered	Charge Sheet Filed (%)	Conviction Rate (%)	Pendency at Court (%)
Maharashtra	1,982	89.6	24.7	75.3
Chhattisgarh	1,216	91.2	28.5	71.5
National Average	12,036	88.3	26.9	73.1

Although the rates of charge-sheeting are high in both states (more than 89%), the rates of conviction are also low indicating the problems with the prosecution and evidence gathering. The pendency rates, more than 70

percent in both states, show stating that there are considerable judicial delays. Chhattisgarh has better conviction rates than Maharashtra, at least in part because the respective caseloads are lower, with the local monitoring systems performing better.

**Table 2: Trends in Crimes Registered under the SC/ST (PoA) Act (2019-2023)**

Year	Maharashtra Cases Registered	Chhattisgarh Cases Registered	% Change in Maharashtra	% Change in Chhattisgarh
2019	1,642	1,085	—	—
2020	1,751	1,122	+6.6%	+3.4%
2021	1,869	1,180	+6.7%	+5.1%
2022	1,945	1,215	+4.1%	+3.0%
2023	1,982	1,216	+1.9%	+0.1%

The data demonstrates that a consistent rise of cases of atrocity is witnessed in Maharashtra and Chhattisgarh since 2019 to 2023. The increase could be a sign of improved reporting of the same by awareness campaigns or improved FIR registration systems. Nevertheless, it also indicates caste-based violence that is persistent. The level of increase in cases was steeper in Maharashtra than in Chhattisgarh, which is potentially explained by the higher population of the SC/STs in the former and the easier access to reporting mechanisms there.

**Table 3: Status of Investigation and Filing of Charge Sheets (2023)**

Indicator	Maharashtra (%)	Chhattisgarh (%)	National Average (%)
FIRs Registered under PoA Act	100	100	100
Charge Sheets Filed	89.6	91.2	88.3
Final Reports Submitted (No Case)	10.4	8.8	11.7
Investigation Completed in 90 days	62.7	68.1	65.3

The performance of both states is admirable in filing charge-sheets with Chhattisgarh marginally ahead. Nevertheless, procedures investigation is still not at good levels within the stipulated 90 days in the PoA Rules. The increased number in final reports submitted in Maharashtra implies that the cases are closed before time usually because of insufficient evidence or intimidation exerted on complainants to drop cases.

**Table 4 Trial Outcomes and Judicial Pendency (2023)**

Indicator	Maharashtra	Chhattisgarh	National Average
Total Cases for Trial	3,842	2,471	15,201
Convictions	951	704	4,089
Acquittals	2,285	1,341	9,766
Cases Pending at Year-End	606 (15.8%)	426 (17.2%)	1,346 (16.2%)

Chhattisgarh (28.5) conviction rate is a little higher than and Maharashtra (24.7), which signifies a little better judicial treatment. The two states however present a high rate of acquittal as a result of poor evidence, hostility by the witness and lack of legal support. The continued pendency rates underscore the importance of accelerating the trial processes and enhancement of communication between the prosecution and the special courts.

**Table 5 Compensation and Rehabilitation under the PoA Act (2023)**

Type of Assistance to Victims	Maharashtra (%)	Chhattisgarh (%)
Financial Relief Disbursed	71	78
Legal Aid Provided	63	69
Medical Assistance Offered	58	64
Rehabilitation Support Given	49	56

Chhattisgarh is not doing so bad in terms of indicators of victim assistance, which implies that there is a more solid connection between the district administration and social welfare departments. In Maharashtra victims complained of delay in provision of financial relief as well as irregular receiving of legal assistance, which was mostly attributed to bureaucracy. These results show that though PoA Rules exist, there is still uneven implementation according to the districts.

**Table 6 Comparative Performance of Special Courts under PoA Act (2023)**

Indicator	Maharashtra	Chhattisgarh
Total Special Courts Functioning	27	18
Cases Disposed During Year	1,135	872
Average Time for Disposal (Months)	18.4	15.6
Convictions from Special Courts (%)	26.3	29.1

The special courts at Chhattisgarh are more efficient in terms of case disposal and conviction rate, perhaps because they have lower case backloads, whereas Maharashtra does not, and there is greater coordination at the district level. Maharashtra though has more courts, still experiences greater delays because of disproportionate distributions of cases together with lack of full time dedicated prosecutors.

The sample used to gather the primary data consisted of 200 respondents (100 each state) which consisted of victims, police workers, attorneys and social activists. The results of the responses were examined to determine the level of awareness, institutional support, and the level of perceived effectiveness of the PoA Act.

**Table 7: Awareness and Access to Legal Remedies among Respondents**

Awareness of PoA Act	Maharashtra (%)	Chhattisgarh (%)	Combined (%)
Fully Aware	48	41	44.5
Partially Aware	36	39	37.5
Not Aware	16	20	18

According to the PoA Act, only 44.5% of the respondents were well versed with their rights. The awareness in Maharashtra was slightly better because the NGO engagement and community outreach were stronger. Such low awareness points out the need to create sensitization programs and community-based education campaigns.

**Table 8: Perception of Police Response and Investigation Quality**

Police Response Quality	Maharashtra (%)	Chhattisgarh (%)	Combined (%)
Highly Satisfactory	12	9	10.5
Satisfactory	34	31	32.5
Unsatisfactory	54	60	57

A large proportion of 57% of respondents judged police response as unsatisfactory noting that they took a long time before registering FIR and were not sensitive to victims. Chhattisgarh respondents indicated lower levels of satisfactory experiences, which implies that police education should be greater and more stringent departmental oversight.

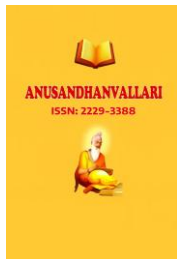
This complex reconciliation of the primary and secondary data indicates that gap of law verses practice is great. Effective enforcement is prevented by institutional inefficiencies, low level of awareness, and social intimidation. Legal provisions on PoA Act are very thorough but inconsistent in implementation. The superior system of NGO support in Maharashtra is contrasted with the higher conviction rates in Chhattisgarh, which may indicate that the two states possess distinct benefits that may be used as a source of cross-learning.

The secondary data in various dimensions; case registration, investigation, trial outcomes, and rehabilitation shows that the effectiveness of Maharashtra and Chhattisgarh differ, though the two have established complete legal frameworks. In Maharashtra the reporting and institutional coverage is superior, and the judicial processing is slower compared and Chhattisgarh has higher prosecution efficiency and victim relief systems but lower population awareness.

These results are indicative that efficient execution of TH SC/ST (PoA) Act is not just pegged on the legal framework in place, but on administrative synchronization, awareness, and political will. The key way to bridge this gap would be greater monitoring of the timelines of investigation, better witness protection, and specific capacity-building of the enforcement officials.

### 3.1 Conclusion

The research indicates that there is a huge disparity between the intent of the legislature and practice of legislation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 in Maharashtra and Chattisgarh. Although the legal framework is clear and frequent amendments incorporating changes in the Act have enhanced the Act, its implementation is still limited due to the procedural delays, police being less sensitive, and lack of awareness amongst beneficiaries. The secondary data analysis shows that despite both states recording relatively high rates of charge-sheeting, the conviction rates are low and this shows an ineffectiveness in the investigation and prosecution. The primary data also shows that institutional apathy, intimidation, and delayed justice are effects of the victims that make them not seek legal redress. Maharashtra is doing better in outreach and awareness because of the active NGOs, but Chhattisgarh is doing slightly better regarding the conviction and rehabilitation efforts. All this makes the prevention of the PoA Act still inadequate in terms of providing marginalized populations with timely justice and protection to close the gap between the law and practice that the act was intended to bridge.



### 3.2 Recommendations

A multi-pronged approach is needed in order to make the PoA Act enforceable in the two states. To begin with, police officers and prosecutors need special training programs that would enhance sensitivities and adherence to procedures during the treatment of atrocity cases. Second, speed courts ought to be operationalized in full to have specialized judges and prosecutors to cut down their pendency time and ensure faster conviction procedures. Third, the victim and witness protection systems have to be strictly realized, such as safe shelter and confidentiality. Fourth, government should intensify rural and tribal awareness campaigns conducted by the community organizations and media to make sure that the victims become enlightened on their rights and other jurisdictions available in courts. Fifth, the state level monitoring and evaluation cell should be put in place in Maharashtra and Chhattisgarh to receive the timeline of investigation, conviction and relief disbursements under the Act regularly. Lastly, moving, interdepartmental, and interagency cooperation between the government agencies, judicial and civil society institutions should be encouraged in order to deliver a justice system that is responsive, transparent, and victim-centred that is, in the true spirit of the SC/ST (PoA) Act, 1989.

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