

# SDG-16 and Access to Justice for Marginalized Dalit: A Study of Patepur Village of Ghazipur District of Uttar Pradesh

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## ABSTRACT

SDG-16, one of the 17 Sustainable Development Goals set by the United Nations in 2015, aims to promote peaceful and inclusive societies, ensure access to justice for everyone, and establish effective, accountable, and inclusive institutions at all levels. Within SDG-16, the third target specifically addresses the importance of equal access to justice. Access to justice is an important legal right in any democratic society. It ensures that everyone is treated fairly and equally under the law. This essential entitlement plays a crucial role in upholding justice principles and creating an environment where legal solutions are fair for all. It's a cornerstone in protecting individual freedom and rights, emphasizing that legal protections should be available to everyone, regardless of their background or status in society. However, this right remains elusive for a significant portion of the population – the Dalit communities, often characterized by untouchables, socially marginalized and downtrodden. This study delves into the nuanced dimensions of justice accessibility for marginalized Dalit communities, with a specific focus on Patepur village situated in Ghazipur district of Uttar Pradesh. This research paper aims to evaluate the current state of justice accessibility for Dalit individuals and pinpoints the major barriers impeding their access to justice. One of the most fundamental challenges is the limited awareness of legal rights. They are often unaware of their rights and the available legal remedies, leaving them at a significant disadvantage when faced with legal issues. This lack of awareness further exacerbates their vulnerability and perpetuates a cycle of injustice. Socioeconomic barriers are equally daunting. Economic constraints and the associated difficulties in affording legal representation often leave these communities without recourse when confronted with legal problems. These barriers effectively deny them access to the justice they are entitled to. Furthermore, the inadequacy of legal infrastructure in marginalized areas compounds the issue. Often, individuals from Dalit communities are forced to travel long distances to access legal services, incurring additional expenses and hardships. Disparities in legal representation are yet another major obstacle. The study employs a mixed-methods approach, incorporating semi-structured interviews, and secondary resources such as Government reports, media reports, and relevant legal and research documents. By applying these sources, the research seeks to provide a comprehensive understanding of the multifaceted challenges that marginalized Dalits of this area face in their pursuit of justice. The key findings of this study are expected to highlight several critical aspects, including the limited awareness of legal rights among Dalit communities, the influence of socio-economic barriers, inadequate infrastructure, and disparities in legal representation.

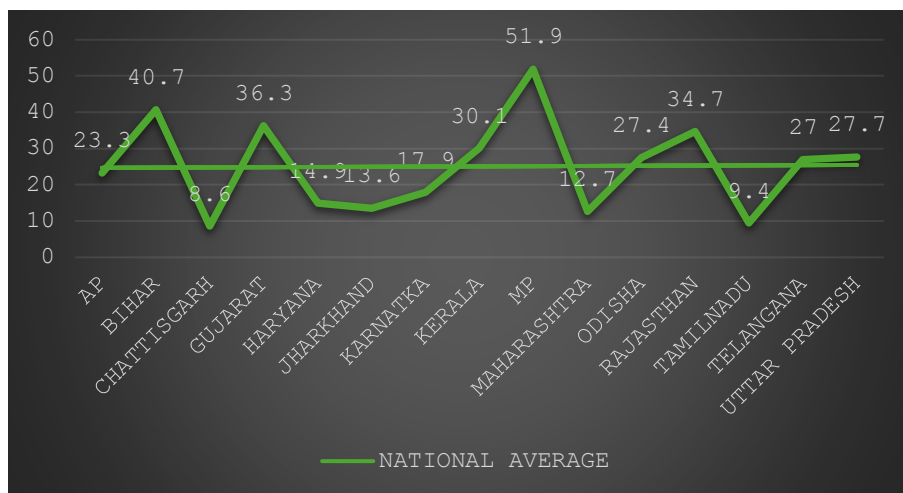
**Keywords:** Freedom, Untouchables, justice accessibility, Legal rights, Downtrodden, Injustice.

## INTRODUCTION

Sustainable Development Goal 16 focuses on ensuring access to justice for everyone and building effective, accountable, and inclusive institutions at every level. It encompasses four key areas: promoting peaceful societies, ensuring access to justice, developing effective, accountable, and inclusive national institutions, and fostering international cooperation to create accountable institutions globally. Furthermore, SDG 16 includes provisions for protecting women and girls from violence. India has undertaken several initiatives to support marginalized communities to uphold these international standards. One such initiative is the Access to Justice for Marginalized People (A2J) Project, a collaboration between the Indian Government and the United Nations Development Programme. In a 2018 report, the Department of Justice (Government of India) suggested that

Autonomous Commissions like the National Commission for Women, the Disability Commission, the National Commission for the Protection of Child Rights, the National Commission for Scheduled Castes, and the National Commission for Scheduled Tribes could serve as valuable partners for various projects. These commissions support vulnerable groups and have the authority to take suo moto actions, such as conducting public hearings. They also possess the powers of a civil court, which can help address issues in a decentralized manner, alleviating the burden on the judicial system. Additionally, encouraging more people to approach these commissions could revitalize those that are currently inactive and understaffed. However, Dalit community bears the brunt of caste-based discrimination in India. The Indian Constitution offers specific safeguards for Dalit individuals to fulfil the commitment to ensuring fundamental human rights. Since lack of education is a wider issue among the Dalits, it has confronted injustice and discrimination in all aspects of their lives. They are the most marginalized and excluded communities in the political, social and economic spheres. They are discriminated based on their identity due to the work they are engaged in and the caste within the social structure they belong to. Dalit community faces social and structural exclusion from accessing justice. The escalating atrocities against Dalits in the country are deeply concerning, accompanied by formidable challenges in securing justice at various stages. They face challenges at the time of lodging complaint, at the time of registration of FIR, at the time of arrest of the accused, when the police officials investigate the case, at the time of Charge sheet, at the time of trial in the Court and at the stage of Judgment. Due to increasing assertion by Dalits on their rights and entitlements have resulted in further increase in atrocities against them. Whenever they wanted to access legal services, or made claim to occupation of their choice, or demanded just and fair wages, or demanded their right to dignity and self-respect, they have been subjugated to atrocities. These have ranged from verbal abuse, physical assault, social and economic boycotts, torture, custodial violence, rape and even mass attacks. To end this, Indian constitution has provided several provisions to protect Dalits and improve their condition. Article 17 of Indian Constitution abolishes untouchability and the Protection of Civil Rights Act, 1976 (PCR Act) and Rules, 1977 make the practice of untouchability a cognizable and non-compoundable offense warranting enhanced terms of imprisonment, prescribes appointment of prosecutors for these offenses and establishes Special Courts and Committees to assist state governments in implementing anti-untouchability measures. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act) defines criminal, economic, political and property-related offenses committed against Scheduled Castes (SCs) and Scheduled Tribes (STs) as atrocities and designates a system to bring atrocity cases under the jurisdiction of Special Courts.

Graph 1.1 (Rate of crimes against Dalits (2017) vis a vis National Average)

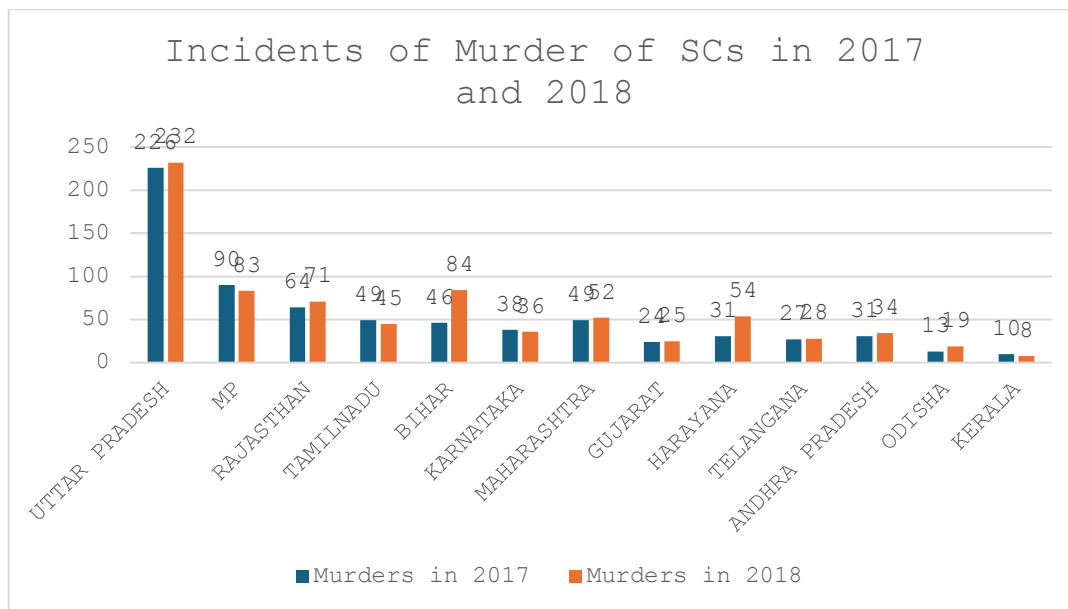


(Source: NCRB Report -Crimes in India 2017 Statistics)

The national average of crime rate against Dalits in 2017 was 21.5 %. Nine states had higher crime rates than this average. These were MP (51.9 %), Bihar (40.7 %), Gujarat (36.3 %), Rajasthan (34.7 %), Kerala (30.1 %), UP (27.7 %), Odisha (27.4 %), Telangana (27 %) and AP (23.3 %). These figures highlight the imperative for a nuanced understanding of local dynamics and the formulation of tailored policies to address the specific challenges contributing to higher crime rates in these states. The Indian government has provided two specific pieces of legislation, namely the Protection of Civil Rights Act, 1955 (PCR Act), and the Scheduled Castes and

Scheduled Tribes Prevention of Atrocities Act, 1989 (PoA Act), along with their respective regulations. These acts are designed to ensure equitable treatment and justice for the Scheduled Castes and Scheduled Tribes. The primary aim of both legislative measures is to implement affirmative action, fostering the empowerment of the SC/ST communities by eliminating discriminatory practices ingrained in the caste system that have historically marginalized these communities. It's been 34 years since the Indian Parliament passed these Acts. This legislation was enacted to curb targeted crimes based on caste and ethnicity against Dalits and Adivasis by non-Dalits and non-Adivasis. Before the POA Act, the Protection of Civil Rights Act 1955 (PCR Act) and the Indian Penal Code 1860 (IPC) were in place but were deemed insufficient in deterring such crimes. The POA Act introduced the category of "atrocities," establishing special procedures and courts to prosecute offenses committed against SCs or STs and imposing harsher penalties for those found guilty. Despite these protections, atrocities against Dalit communities persist. Research demonstrates that individuals or communities belonging to upper castes often perpetrate violence against Dalits. These acts are driven either by a desire to uphold existing socio-economic and power disparities or to suppress the Dalits' efforts to assert their rights and stake a claim to resources and opportunities for socio-economic advancement, including access to land, fair wages, and education.

Graph 1.2 (Incidents of Murder of SCs 2017 and 2018)



(Source: NCRB Report -Crimes in India 2017, 2018 Statistics)

Graph 1.2 shows the cases involving the murder of individuals belonging to Scheduled Castes by those outside this category has been incorporated into the National Crime Records Bureau (NCRB) 2017 data. In the year 2017, a total of 718 such incidents were recorded, involving 748 victims. The analysis indicates that Uttar Pradesh reported the highest number of murder incidents at 226, followed by Madhya Pradesh with 90 and Rajasthan with 64, resulting in 233, 96, and 65 victims, respectively. Moving on to the year 2018, there were a total of 798 incidents involving 821 victims. Uttar Pradesh again reported the highest number of murder incidents at 232, followed by Bihar with 84, Madhya Pradesh with 83, and Rajasthan with 71, resulting in 239, 86, 87, and 71 victims, respectively. For centuries, Dalits have endured various forms of exploitation and demeaning practices, particularly the pervasive issue of "untouchability." Recently, there has been a surge in crimes targeting Dalits in the country. These offenses range from compelling them to consume human excreta to physical assaults, severe injuries, arson, mass killings, and instances of both individual and gang rape perpetrated against Dalit women. Violence is wielded as a tool to subjugate and quash any resistance, aiming to safeguard and reinforce the dignity of the upper castes, they think Dalits were meant to only serve the communities placed on the so-called higher rungs of the caste hierarchy. These atrocities persist because of many reasons like hierarchical social structure of Indian caste system, limited awareness of legal rights among Dalits, socioeconomic barriers, the inadequacy of legal infrastructure in marginalized areas, disparities in legal representation, inadequate legal support in legal proceedings, etc.

## RESEARCH METHOD

The study conducted semi-structured interviews as part of the data collection. A preliminary field visit was conducted to understand the severity of the problems faced by the Dalit community. The secondary data consists of books, journals, and other relevant materials relating to the justice accessibility for Dalit community. The study site selected for data collection was Patepur village of Ghazipur District in Uttar Pradesh. The choice of this site for study was based on the fact that the plight of Dalits is particularly dire in the entire Ghazipur region. The Census of 2011 recorded the population of Ghazipur district in Uttar Pradesh at 3,620,268, with Scheduled Castes (SC) accounting for 20.1% of the population. In Patepur village Dalits are mostly engaged in traditional and low-income jobs like- manual scavenging, sanitation work, agricultural labour, construction labour, and low-skilled jobs in informal sectors, etc. In that village 50 respondents (male and female) were selected using a purposive sampling method from Dalit community. The interviews were conducted in the local language, Bhojपुरi. Each interview lasted for about 10–20 minutes. The audio-recorded data collected through the semi-structured interview was translated from Bhojपुरi to English. Data were analysed using the thematic analysis method. Collected data were interrogated during the analysis and then synthesised into various themes such as the societal attitude towards Dalits, awareness gaps of legal rights, socioeconomic barriers, infrastructure deficits, and disparities in legal representation.

## FINDINGS AND ANALYSIS

Dalits, who are supposed to exist primarily to serve the twice-born castes, and who are regarded unclean, impure, and unworthy even of touch are compelled to deal with a variety of prejudices in the society. The structure of society has been very derogatory in nature for these communities, they have been deprived of many basic rights they are entitled to. Indian Government has implemented various legal rights for these communities to protect them from the various atrocities committed against them. However, they encounter challenges in seeking justice within and outside the judicial system. Essential components for ensuring access to justice include effective legal mechanisms, widespread awareness of individuals' rights, the role of such mechanisms, physical proximity to these avenues, and affordability of the adjudication process. Marginalized communities, such as Dalits, face difficulties in obtaining justice in cases of human rights violations, placing them in vulnerable situations when defending their rights. Socially and economically weaker sections often find it challenging to approach the legal system to address their issues due to factors such as unawareness of their legal rights, prohibitive costs, complexity of the legal proceedings, unfamiliarity, inadequate representation, etc.

### Societal attitude towards Dalits

Caste-based segregation persists in India, with social interactions predominantly occurring within established caste hierarchies. Despite efforts to address this issue, the influence of caste continues to shape various aspects of Indian society, impacting relationships, opportunities, and access to resources. The deeply ingrained nature of caste dynamics can be observed in social gatherings, educational institutions, and workplace environments, where individuals often find themselves constrained by traditional caste divisions. In Patepur village, Dalits think upper caste people are still driven by narrow consideration of caste hierarchy.

- The responses to the societal attitude towards Dalits are as follows:

“We are denied our humanity; they view us not as people, but as if we are some animals. Our struggle is not just for rights; it is a fight for recognition, for the acknowledgment of our inherent worth. In their eyes, we are not individuals with dreams and aspirations; we are seen as ‘others.’” (An educated Dalit respondent, Interview, Patepur)

- Mentioned the following:

“We come into a world where our identity is predetermined by the caste of discrimination and stigma. From the very beginning, our existence is known by societal hierarchies that relegate us to a status marked by discrimination. The stigma is not a choice; it's an inheritance thrust upon us. Each step we take, every dream we

aspire, is coloured by the predetermined narratives of our caste. We live in a world that often refuses to see us beyond these imposed labels.”

### **Awareness gaps of legal rights**

Dalits often lack awareness of their legal entitlements; they think legal system is very difficult to understand and time-consuming. This lack of knowledge creates a significant barrier, that many Dalits cannot seek justice. Some responses regarding this theme are as follows:

- “Justice seems like an alien concept to us; it's a system designed for the elites. The corridors of justice are very much exclusive. It's a system that often fails to resonate with the struggles of the downtrodden.” (An old Dalit lady respondent, Interview, Patepur)
- “The legal system, for someone like me, is a puzzle that feels like persecution rather than protection. It's like walking on a road with barriers at every turn. If you get caught in its complexities, your life takes a downward spiral, almost like a ruinous descent. Then it becomes a struggle for survival because the complexities of the legal process overshadow any hope for a fair resolution. The difficulty of the legal system becomes a formidable obstacle, especially for those of us who are already marginalized.” (A daily wage labourer respondent, Interview, Patepur)

### **Socio-economic barriers**

Socio-economic barriers severely impede their access to justice. Economic disparities often hinder their ability to afford legal representation, making the pursuit of justice financially burdensome. Discrimination in employment and economic spheres confines many Dalits to low-income occupations, limiting their financial capacity to engage with the legal apparatus effectively. Moreover, societal prejudices further marginalize Dalits, that creates an environment where their voices are rarely heard within legal system. Some responses of Dalit members are as follows:

- “We live trapped in a web of social structure that strangle our hopes for justice. The weight of poverty is a constant burden, and we cannot afford legal help. Limited access to education keeps us in the dark about our rights, leaving us vulnerable to exploitation. They do not give us jobs in offices, forcing us into low-paying occupations that barely sustain us, let alone fund a legal battle. When we dare to seek justice, our voices are drowned out by societal prejudices that leave us feeling unheard and powerless.” (A Dalit lady respondent, Interview, Patepur)
- “I have experienced exclusion in my whole life, sometimes I feel like leaving this place and starting a new journey with new identity, but it is impossible I know. I do not like when people ask my caste, they judge me. Even when seeking healthcare, there's a noticeable difference in treatment, as if my concerns matter less. It's disheartening to witness my children facing discrimination at school, I do not know when this system will come to an end. We have witnessed discrimination, but I don't want my children to witness this, I don't want them to be like me.” (A young Dalit respondent, Interview, Patepur)

### **Infrastructure deficits**

The physical distance to legal institutions creates a lot of problem, it becomes challenging for Dalits to engage with the justice system. In Patepur village, people say any legal awareness programme is not conducted, leaving many uninformed about their rights and the avenues available to them. Furthermore, the dearth of Dalit representation within legal institutions contributes to a sense of alienation. This infrastructure deficit not only hampers the pursuit of justice but perpetuates a cycle of inequality for Dalits in Patepur village. Rule 11 of the PoA Rules provides for every victim of atrocity or witnesses to be paid to and fro rail fare by second class or actual bus or taxi fare from his/ her place of residence to the place of investigation or hearing of trial of an offence under the Act. It is the duty of the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate to make the necessary arrangements for providing transport facilities or reimbursement of full payment thereof to the victims of atrocity and witnesses. Despite having the above provision to support the

victims and witnesses, the gaps in non-implementation can be seen. The lack of awareness among the Dalit victims about their entitlements and ignorance among the concerned authorities need to be addressed, even if they are aware of the provision of entitlements some key reasons for the gaps in implementation of this provision can be seen. In practice, Dalit victims are summoned to the courts by the investigating officers without any information in writing, and in the absence of documentary proofs, they cannot claim reimbursement for travel and daily allowance. The State government has also failed to create awareness about these entitlements among the Dalit communities by, for example, explicitly publicising information in the premises of the police stations and courts and through other media.

- “We don't have legal aid centers or accessible community resources to guide us through the complexities. The absence of awareness programs means we are often unaware of our rights, when they will not tell us about our rights then how we will know them? We are like outsiders in a system that should protect us. We are very powerless sir, no one listens to us.” (A young Dalit respondent, Interview, Patepur)

Table 1.3: (State wise Pendency of cases by Courts in year 2017)

SL NO.	STATES	Total no of cases investigated	Pending cases in courts
1	ANDHRA PRADESH	4414	2975
2	ARUNACHAL PRADESH	2	0
3	ASSAM	13	8
4	BIHAR	11069	32949
5	CHHATTISGARH	327	851
6	GOA	20	21
7	GUJARAT	1630	8388
8	HARYANA	865	874
9	HIMANCHAL PRADESH	140	338
10	JAMMU & KASHMIR	0	2
11	JHARKHAND	1487	1535
12	KARNATAKA	2723	7388
13	KERALA	1467	2159
14	MADHYA PRADESH	6380	16616
15	MAHARASHTRA	2511	8280
16	MANIPUR	1	3
17	MEGHALAYA	0	0
18	MIZORAM	0	0
19	NAGALAND	0	0
20	ODISHA	3258	8615
21	PUNJAB	193	126
22	RAJASTHAN	4759	12232

23	SIKKIM	6	3
24	TAMIL NADU	2004	4234
25	TELANGANA	2506	2070
26	TRIPURA	1	1
27	UTTAR PRADESH	13023	40274
28	UTTARA KHAND	133	139
29	WEST BENGAL	296	2797
	<b>TOTAL</b>	<b>59,229</b>	<b>15,2878</b>

(Source: NCRB Report -Crimes in India Statistics 2015 to 2018)

Despite the establishment of several Special Courts across the country, there remains a substantial backlog in the adjudication of cases involving crimes against Dalits, as indicated in Table 1.3. Analysing all forms of crimes against Scheduled Castes from 2015 to 2017 reveals a noteworthy trend. It is notable that there was an escalation in the pendency rate in courts, rising from 89.6% in 2016 to 91.7% in 2017 and 93.5% in 2018. Dalit people are not getting justice despite their legal rights, because there is some deficit in the legal system. These legal systems have not effectively addressed the challenge of Dalits. These findings underscore the insufficiency of the current number of Exclusive Special Courts in ensuring justice for victims of atrocities.

- “They have purposefully kept us marginalized; they do not see us worthy of doing anything. It's their deliberate act, so that we remain distant from the opportunities and privileges they take for granted. They don't want us to rise; they fear us breaking free from the chains of oppression. We are not allowed to be like them, to share the same spaces or dreams. Some of them are very good but some people have a primitive mindset. They still oppress us, and we do not have a stringent legal system that can protect us.” (A Dalit boy respondent, Interview, Patepur)

### Disparities in legal representation

The lack of fair representation for Dalits in the legal system is a big problem. In Patepur village, Dalit's representation is very low due to their caste factor. This underrepresentation means that Dalit litigants often face challenges in getting their voices heard in the court. It's very important to have a legal system that truly represents everyone and doesn't perpetuate biases against marginalized communities like the Dalits.

- “Our pleas for help often fall on deaf ears. When we approach authorities with our problems, sometimes their attitude seems very rude. They accuse us of fabricating stories and label our genuine concerns as mere 'bogus arguments.' The trust we place in the justice system is shattered when they refuse to even lodge an FIR, leaving us stranded in the face of injustice.” (An old Dalit respondent, Interview, Patepur)
- “Justice seems to have a price tag that we can't afford. I have seen it firsthand, where those with money effortlessly seek justice, while we struggle just to be heard. I remember a fellow Dalit, a neighbour, who faced blatant discrimination at work. When he sought justice, he quickly realized that the legal battle required resources he didn't have. Lawyers demanded fees that were beyond his means, and court proceedings was very difficult. This isn't just a single instance; it's a pervasive truth in our community. The notion that justice is bought and not served is a bitter pill to swallow.” (A Dalit male respondent, Interview, Patepur)

### DISCUSSIONS AND CONCLUSION

The findings of this research illuminate the intricate challenges faced by Dalits in Patepur village, shedding light on persistent issues such as caste-based segregation, awareness gaps in legal rights, socioeconomic barriers,

infrastructure deficits, and disparities in legal representation. These themes collectively underscore the multifaceted nature of systemic challenges that hinder the Dalit community's access to justice, perpetuating historical inequalities. Caste-based segregation remains a prevalent concern in India, as evidenced in the social dynamics of Patepur village, where interactions largely occur within established caste hierarchies. The narratives shared by Dalit respondents suggest that upper-caste individuals in the village still adhere to traditional considerations of caste hierarchy, reinforcing a social environment where Dalits feel marginalized. Societal attitudes towards Dalits, as revealed by the respondents, portray a pervasive prejudice that denies them their humanity. They describe experiencing a dehumanizing gaze, with others viewing them as less than equals and, in extreme cases, even likening them to animals. These accounts underscore the need for societal transformation to dismantle discriminatory attitudes and maintain social harmony. A critical barrier to justice for Dalits is the awareness gap concerning their legal rights. The research findings indicate that many Dalits lack awareness of their entitlements within the legal system, viewing it as difficult to understand and time-consuming. This knowledge deficit serves as a significant obstacle, preventing many Dalits from seeking justice effectively. The disparity in legal awareness emphasizes the need for targeted legal education and awareness programs to empower the community with the requisite knowledge. The societal prejudices faced by Dalits create an environment where their voices are seldom heard within the legal system, perpetuating a cycle of marginalization and reinforcing systemic biases. Infrastructure deficits within the legal system also contribute to the challenges faced by Dalits in accessing justice, the absence of legal aid centers and awareness programs creates barriers that hinder effective engagement with the justice system. The lack of representation within legal institutions further contributes to a sense of alienation for Dalits, limiting their ability to deal with the legal system confidently. The research findings reveal that the lack of fair representation often results in dismissive attitudes, skepticism, and, at times, a refusal to lodge an FIR. The narratives depict a legal system where justice appears to be a privilege reserved for the wealthy, perpetuating a sense of powerlessness, and reinforcing the notion that justice is a commodity that can be bought rather than served. By 2030, the implementation of Sustainable Development Goal 16 (SDG-16) will significantly advance access to justice globally. Through concerted efforts to promote peaceful and inclusive societies and build effective, accountable, and inclusive institutions at all levels, SDG-16 seeks to ensure that all individuals have equal access to justice. It aims to create a world where everyone can seek and receive fair and impartial treatment under the law. As nations work towards achieving the targets outlined in SDG-16, they pave the way for a more just and equitable future, where justice is not a privilege but a fundamental right for all. But after doing this research we found there is still a lot of work that needs to be done in this regard.

In conclusion, the research findings paint a nuanced picture of the challenges faced by Dalits in Patepur village in their pursuit of justice. Caste-based segregation, societal attitudes, awareness gaps, socioeconomic barriers, infrastructure deficits, and disparities in legal representation collectively contribute to a pervasive sense of marginalization and hindered access to justice. Addressing these systemic issues necessitates a comprehensive approach involving legal education, awareness campaigns, economic empowerment, and initiatives to enhance inclusivity within the legal profession. The narratives shared by Dalit respondents emphasize the need for transformative measures to ensure that justice is not only accessible but also equitable for all members of society.

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