



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 2

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.149>

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SEXUAL VIOLENCE AGAINST DALIT WOMEN: A CRITICAL STUDY OF JUDICIAL TRENDS

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I. ABSTRACT

This research paper critically examines judicial trends in cases of sexual violence against Dalit women in India through the intersecting lenses of caste, gender, dignity, and constitutional justice. It proceeds from the premise that such violence cannot be understood as a mere sexual offence in isolation, because it often operates as a mechanism of caste domination, social control, humiliation, and structural subordination. The study analyses the constitutional framework under Articles 14, 15, 17, and 21 of the Constitution of India, alongside the statutory scheme contained in the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhinyam, 2023, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It further evaluates leading judicial decisions to assess how courts have addressed questions of caste motive, consent, credibility, evidentiary burden, delay in reporting, and survivor protection. The paper argues that although Indian courts have shown some progressive movement, especially through emerging intersectional reasoning, judicial response remains uneven and often insufficiently sensitive to the structural realities of caste-based sexual violence. The study concludes that a more consistent, survivor-centric, and constitutionally grounded judicial approach is necessary to secure meaningful justice for Dalit women.

II. KEYWORDS

Sexual violence, Dalit women, judicial trends, caste and gender intersectionality, constitutional justice.

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III. INTRODUCTION

A. Background and Rationale of the Study

Sexual violence against Dalit women raises a legal problem that cannot be explained through gender alone. It emerges within a social order where caste location often determines exposure to coercion, access to protection, and the credibility later given to the survivor's voice. The background of this study therefore lies in the joint operation of caste hierarchy and patriarchy. A Dalit woman may face violence not only as an attack on bodily autonomy, but also as a method of social disciplining, humiliation, and community intimidation. This makes the issue constitutionally grave because it implicates equality, dignity, non-discrimination, and life in one frame, not in isolated compartments.²

The rationale for this study also flows from the present legal framework. India now addresses rape and allied sexual offences under the Bharatiya Nyaya Sanhita, 2023, particularly sections 63 to 79. Alongside that, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 continues to recognise caste-targeted violence as a distinct legal wrong. This dual structure shows that the law itself accepts that sexual violence against Dalit women may contain both a general penal element and a specific atrocity dimension. A focused study is therefore necessary to examine whether judicial trends actually reflect that legislative design or whether courts still read these cases too narrowly.³

The study becomes more necessary because judicial response in this field has been uneven. The Supreme Court's decision in *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225, marked an important development by recognising intersectionality as relevant to adjudication. Yet this progress sits beside continuing judicial hesitation in many cases where caste influence is structural, implied, or embedded in local power rather than openly declared. That unevenness creates a serious research need. It calls for

² Patan Jamal Vali v. State of Andhra Pradesh, (2021) 16 SCC 225.

³ Bharatiya Nyaya Sanhita, 2023, §§ 63-79, No. 45, Acts of Parliament, 2023 (India).

close examination of how courts understand caste motive, survivor credibility, evidentiary burdens, and the lived realities that shape delayed reporting, witness fear, and prosecutorial weakness.⁴

The practical rationale is equally strong. The Union Government stated in Parliament in February 2025 that the latest published NCRB report remained the 2022 report and furnished state-wise data on crimes against Scheduled Castes and Scheduled Tribes for 2020 to 2022. This continuing official engagement with the issue shows that violence against Scheduled Caste women is not episodic or marginal. It remains a continuing justice concern. A study centred on judicial trends is therefore justified because doctrine, trial practice, and appellate review shape whether the legal system merely records these harms or actually responds to them with seriousness and constitutional fidelity.⁵

B. Research Questions

1. How do Indian courts interpret and adjudicate cases of sexual violence against Dalit women within the intersecting framework of caste and gender oppression?
2. To what extent do the Bharatiya Nyaya Sanhita, 2023 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provide an effective legal framework for addressing sexual violence against Dalit women?
3. What judicial trends emerge in relation to consent, credibility of testimony, delay in FIR, evidentiary appreciation, bail, conviction, and sentencing in cases involving sexual violence against Dalit women?
4. What doctrinal, procedural, and institutional gaps continue to hinder effective access to justice for Dalit women survivors of sexual violence, and what reforms are required to address them?

⁴ Patan Jamal Vali v. State of Andhra Pradesh, (2021) 16 SCC 225.

⁵ Ministry of Home Affairs, Government of India, Lok Sabha Unstarred Question No. 1363, Answered on Feb. 11, 2025, <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2025-pdfs/LS11022025/1363.pdf> (last visited Apr. 10, 2026).

C. Objectives of the Study

1. To critically examine judicial reasoning in cases of sexual violence against Dalit women, with special reference to the intersection of caste, gender, dignity, and structural vulnerability.
2. To analyse the constitutional and statutory framework governing such offences, particularly under the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 2023, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. To identify and evaluate major judicial trends concerning appreciation of evidence, treatment of survivor testimony, caste-based motive, procedural safeguards, and appellate review in such cases.
4. To assess the continuing shortcomings in investigation, prosecution, witness protection, and judicial sensitivity, and to suggest reforms for a more intersectionally responsive and constitutionally grounded justice framework.

D. Research Methodology

This study adopts a doctrinal and analytical legal research methodology to examine judicial trends relating to sexual violence against Dalit women in India. It is primarily based on the critical analysis of constitutional provisions, statutory frameworks, and judicial decisions, with particular focus on the Constitution of India, the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 2023, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The study further relies on leading judgments of the Supreme Court and High Courts to identify patterns in judicial reasoning on caste, gender, consent, evidentiary standards, delay in reporting, victim protection, and sentencing. In addition, relevant government reports, NCRB data, parliamentary materials, law commission and policy documents, and international human rights instruments have been consulted to contextualise the legal analysis within the broader realities of caste-based and gendered

violence. The methodology is therefore qualitative in nature and seeks to evaluate whether the existing judicial approach adequately reflects the intersectional vulnerability of Dalit women and the constitutional mandate of equality, dignity, and non-discrimination.

IV. CONCEPTUAL AND SOCIAL CONTEXT

A. Understanding Sexual Violence in a Caste-Gender Framework

Sexual violence against Dalit women cannot be read as a gender wrong alone. It often operates as a caste-enforcing act. The assault targets the body of the woman, but its message travels beyond her. It warns the family, disciplines the community, and reasserts local hierarchies. In that sense, rape, sexual humiliation, stripping, public intimidation, and threats of sexual assault function not merely as private crimes but as social punishment. International human rights materials now recognise this layered harm through the language of intersectionality, which studies how multiple grounds of disadvantage shape both the form of violence and the availability of remedies. That approach fits the Indian caste setting with unusual clarity. It explains why the same offence has a different social meaning when committed against a Dalit woman in a village marked by graded inequality, dependence, and fear.⁶

The same understanding also aligns with the legal character of sexual violence as discrimination. CEDAW General Recommendation No. 35, updating General Recommendation No. 19, treats gender-based violence against women as a manifestation of historically unequal power relations. When that gendered violence intersects with descent-based or caste-based exclusion, the injury becomes denser. It affects bodily autonomy, equal citizenship, voice, movement, work, and access to institutions. Indian law now addresses sexual offences through the Bharatiya Nyaya Sanhita, 2023, including

⁶ Office of the United Nations High Commissioner for Human Rights, Guidance Note on Intersectionality, Racial Discrimination & Protection of Minorities 18 (2022), <https://www.ohchr.org/sites/default/files/documents/issues/minorities/30th-anniversary/2022-09-22/GuidanceNoteonIntersectionality.pdf> (last visited Apr. 10, 2026).

rape, gang rape, sexual harassment, assault with intent to disrobe, voyeurism, stalking, and protection of victim identity under sections 63 to 79 and 72. Yet in cases involving Dalit women, the penal frame alone is often insufficient unless it is read with the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which recognises caste-targeted violence and builds a distinct remedial structure.⁷

B. Dalit Women as a Distinctly Vulnerable Class

Dalit women stand in a distinctly vulnerable position because caste and patriarchy do not operate upon them separately. They reinforce each other. A Dalit woman may face sexual vulnerability in public spaces, labour vulnerability in fields or informal work, and institutional vulnerability inside police stations, hospitals, and courts. Reports on caste-based sexual violence repeatedly show that the violence is used to silence land claims, punish social mobility, retaliate against assertion, or enforce obedience in relations of labour and dependency. The vulnerability therefore is not abstract. It arises from material conditions such as poverty, segregated habitation, insecure employment, low bargaining power, and exposure to dominant-caste control over local administration. That is why Dalit women cannot be treated only as “women” for legal analysis. Nor can they be treated only as members of Scheduled Castes. The legal and social location is specific, lived, and structurally produced.⁸

The Supreme Court’s reasoning in *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225, gives this point doctrinal depth. The Court moved the discussion beyond a single-axis reading of oppression and recognised that marginality may be multi-dimensional. The victim in that case was a woman from a Scheduled Caste and was blind by birth. The judgment is significant not only for the conviction under rape law, but for

⁷ Committee on the Elimination of Discrimination against Women, General Recommendation No. 35 (2017) on Gender-Based Violence Against Women, Updating General Recommendation No. 19 (1992), CEDAW/C/GC/35 (2017), <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based> (last visited Apr. 10, 2026).

⁸ Partners for Law in Development, Caste Based Sexual Violence and State Impunity 9 (2021), <https://feministlawarchives.pldindia.org/wp-content/uploads/caste-based-sexual-violence-and-state-impunity-english.pdf> (last visited Apr. 10, 2026).

its insistence that adjudication must notice overlapping forms of oppression rather than flatten them into one label. That approach matters for Dalit women more broadly. It rejects the idea that caste is a background fact with no bearing on sexual harm. Instead, it treats social identity as relevant to understanding vulnerability, access to justice, and the full meaning of the offence. This is a major corrective to older judicial habits that looked at violence in isolated compartments.⁹

C. Intersection of Caste, Gender, Dignity, and Structural Violence

At the constitutional level, the problem engages equality, non-discrimination, abolition of untouchability, dignity, and life under Articles 14, 15, 17, and 21 of the Constitution of India. Sexual violence against a Dalit woman often violates all these guarantees at once. It denies equal protection. It reflects discrimination. It reproduces the social logic that Article 17 seeks to dismantle. It also strikes at dignity in its deepest sense, because the woman is reduced to a site on which caste power gets performed. The SC/ST (Prevention of Atrocities) Act, 1989 strengthens this constitutional reading by creating Special Courts and Exclusive Special Courts, recognising rights of victims and witnesses in section 15A, and imposing a duty on government to ensure effective implementation. This statutory architecture shows that the Indian legal system formally acknowledges that ordinary criminal process, by itself, may not cure caste-marked violence.¹⁰

Structural violence also appears in the manner institutions respond after the offence. Delay in reporting, hostile investigation, pressure for compromise, disbelief, and exposure of identity can deepen the original harm. The Supreme Court in *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, warned courts against drawing adverse inferences merely from delay in lodging the FIR in sexual offences, noting the stigma and hesitation that survivors and families face. In *Nipun Saxena v. Union of India*, (2019) 2 SCC 703, the Court emphasised protection of the victim's identity. In *Aparna Bhat v. State of Madhya*

⁹ Patan Jamal Vali v. State of Andhra Pradesh, (2021) 16 SCC 225.

¹⁰ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33, Acts of Parliament, 1989 (India).

Pradesh, (2021) 16 SCC 179, the Court criticised gender stereotypes that distort adjudication in sexual offence cases. Read together, these decisions are highly relevant for Dalit women because structural violence seldom ends with the act itself. It continues through procedures, language, and institutional attitude. Therefore, a caste-gender framework is not rhetorical. It is necessary for accurate fact-finding, fair adjudication, and meaningful justice.¹¹

V. LEGAL AND CONSTITUTIONAL FRAMEWORK

A. Constitutional Guarantees: Equality, Dignity, Non-Discrimination, and Life

Articles 14, 15, 17 and 21 create the constitutional base for reading sexual violence against Dalit women as more than an ordinary penal wrong. Article 14 demands equal protection of laws. Article 15 prohibits discrimination on grounds including sex and caste. Article 17 abolishes untouchability and condemns caste subordination in its legal and social forms. Article 21 protects life and personal liberty, and the Supreme Court has consistently read dignity, bodily integrity, privacy, and fair process into it. When sexual violence is inflicted upon a Dalit woman in a caste-marked setting, these guarantees converge. The act degrades bodily autonomy. It reinforces social exclusion. It also exposes the failure of the State to secure equal citizenship in fact, not just in text. In that sense, the constitutional injury runs through status, personhood, and access to justice at once.¹²

The dignity dimension is especially important. The Supreme Court has treated rape as a violation of the victim's most cherished fundamental right under Article 21 and has linked public law remedies to grave violations of dignity and liberty. That reasoning matters here because Dalit women often face not only the assault itself but also institutional disbelief, social retaliation, and coercive silence. The constitutional guarantee therefore is not exhausted by a later criminal trial. It obliges the State to prevent violence, to register complaints, to investigate fairly, and to create conditions where the

¹¹ State of Punjab v. Gurmit Singh, (1996) 2 SCC 384.

¹² Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

victim can speak without fear. The right to life in this field is not mere survival. It is the right to live with dignity, free from caste humiliation and sexual domination, and with equal access to legal protection.¹³

B. Statutory Framework on Sexual Offences under Current Criminal Law

The present substantive criminal law framework lies in the Bharatiya Nyaya Sanhita, 2023. Section 63 defines rape in broad terms and covers penile as well as non-penile forms of penetration. Sections 64 to 71 then structure punishment, aggravated punishment, gang rape, repeat offending, and protection of victim identity. The same chapter also retains a set of non-penetrative sexual offences that often appear in caste-based violence, including assault with intent to outrage modesty under section 74, sexual harassment under section 75, assault with intent to disrobe under section 76, voyeurism under section 77, stalking under section 78, and insulting the modesty of a woman under section 79. This spread is significant for Dalit women because caste domination does not always take the form of completed rape. It may take the form of forced stripping, sexually abusive gestures, stalking, threats, and public degradation. The current code is therefore wide enough to capture multiple layers of gendered abuse, though its efficacy still depends on proper charging and investigation.¹⁴

That said, the BNS framework is not neutral in all respects. It continues the marital rape exception in section 63 for sexual intercourse by a man with his own wife, the wife not being under eighteen years of age, though section 67 separately criminalises sexual intercourse by a husband upon his wife during separation. For Dalit women this matters because vulnerability within marriage can intersect with caste, poverty, dependency, and social pressure. The law therefore offers protection in some relationship-based settings under sections 67 and 68, and also criminalises intercourse induced by deceitful means under section 69, but it does not yet fully recognise non-consensual intercourse within an

¹³ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490.

¹⁴ Bharatiya Nyaya Sanhita, 2023, §§ 63-79, No. 45, Acts of Parliament, 2023 (India).

ongoing marriage as rape. That doctrinal gap has obvious consequences for a framework that claims to centre dignity and bodily autonomy.¹⁵

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

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 gives the caste dimension its independent legal force. It does not merely supplement the general penal law. It recognises atrocities as a distinct category of violence rooted in caste power. Section 3(1)(w)(i) and (ii) criminalise intentional touching of a sexual nature without consent and sexually coloured words, acts, or gestures directed at a woman belonging to a Scheduled Caste or a Scheduled Tribe, where the offender knows her caste status. The provision is notable because it speaks directly to sexualised caste abuse below the threshold of rape. The explanation to the clause also clarifies that absence of physical resistance does not imply consent and that a woman's sexual history does not mitigate the offence. In addition, sections 3(1)(r) and 3(1)(s) cover humiliation and abuse by caste name in public view, which frequently accompany or frame sexual violence in caste settings.¹⁶

The institutional design of the Act is equally important. Section 14 requires Special Courts or Exclusive Special Courts for speedy trial and enables direct cognizance. Section 15 provides for Special Public Prosecutors and Exclusive Special Public Prosecutors. Section 15A builds a victim-and-witness rights chapter into the statute itself. It guarantees fairness, dignity, timely notice of proceedings including bail proceedings, the right to be heard, protection against intimidation, travel and maintenance expenses, socio-economic rehabilitation, and even relocation where required. Sections 18 and 18A further harden the response by excluding anticipatory bail in the statutory setting and by clarifying that no preliminary enquiry is required for registration of the FIR and no prior approval is

¹⁵ Bharatiya Nyaya Sanhita, 2023, § 63, No. 45, Acts of Parliament, 2023 (India).

¹⁶ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, § 3(1)(w), No. 33, Acts of Parliament, 1989 (India).

required for arrest where necessary. For Dalit women, this design is meant to counter the ordinary pattern of delay, police hesitation, local pressure and witness fear, though the gap between text and implementation still remains a serious issue.¹⁷

D. Procedural and Evidentiary Safeguards under Current Law

The Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 carry several safeguards that are central in cases of sexual violence against Dalit women. BNSS section 173 requires that information given by a woman alleging the specified sexual offences be recorded by a woman police officer or woman officer. Where the victim is mentally or physically disabled, the information must be recorded at her residence or a place of choice, in the presence of an interpreter or special educator, and the recording must be videographed. BNSS section 183 requires the Magistrate to record the victim's statement at the earliest in the specified offences and, as far as practicable, through a woman Magistrate. BNSS section 184 deals with medical examination of the victim of rape. BNSS sections 396 to 398 deal with victim compensation, free treatment by all hospitals, and witness protection schemes. These provisions show an effort to reduce secondary victimisation and to move procedure away from a police-centred model toward a victim-sensitive one.¹⁸

The evidentiary scheme under the Bharatiya Sakshya Adhiniyam, 2023 also preserves important rape-law protections. Section 120 states that in a prosecution for rape under section 64(2) of the BNS, once sexual intercourse is proved and the woman states before the Court that she did not consent, the Court shall presume absence of consent. Section 149 bars the use of general immoral character or previous sexual experience of the victim to prove consent or the quality of consent in prosecutions under sections 64 to 71 of the BNS. The Act also treats a prompt complaint by the victim as relevant in appropriate circumstances, and it regulates contradiction through prior statements under section 148.

¹⁷ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, §§ 14, 15A, 18A, No. 33, Acts of Parliament, 1989 (India).

¹⁸ Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 173, 183, 184, 396-398, No. 46, Acts of Parliament, 2023 (India).

These rules matter greatly in cases involving Dalit women because defence strategies often try to shift the trial away from the accused's conduct and toward the survivor's character, caste position, or supposed moral worth. Current evidence law rejects that move in principle. The real question is whether trial courts apply these protections with sufficient rigour and without importing old stereotypes through the back door.¹⁹

VI. JUDICIAL TRENDS IN CASES OF SEXUAL VIOLENCE AGAINST DALIT WOMEN

A. Judicial Recognition of Caste-Based Sexual Violence

Indian courts have not always treated sexual violence against Dalit women as distinctly caste-marked violence. For long, many decisions viewed rape through a narrow criminal lens and paid little attention to the social structure around the offence. A more developed approach appears in *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225, where the Supreme Court expressly used an intersectional lens and recognised that a woman may suffer compounded disadvantage because of caste, gender, and disability together. That judgment matters beyond its facts. It pushes adjudication away from a single-axis view and toward a fuller account of vulnerability, access, and social power. In the context of Dalit women, this move is doctrinally important because caste often shapes why the offence occurred, how the victim was targeted, and why redress becomes harder.²⁰

At the same time, the judicial trend is not uniformly expansive. In *Hitesh Verma v. State of Uttarakhand*, (2020) 10 SCC 710, the Supreme Court stressed that the mere fact that the victim belongs to a Scheduled Caste does not automatically attract the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 unless the insult or offence is tied to caste-based humiliation. Likewise, *Khuman Singh v. State of Madhya Pradesh*, (2020) 18 SCC 763, insisted that enhanced punishment under section 3(2)(v) requires proof that the offence was committed on the ground of caste status. These rulings show

¹⁹ Bharatiya Sakshya Adhiniyam, 2023, §§ 120, 149, No. 47, Acts of Parliament, 2023 (India).

²⁰ *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225.

a clear judicial caution. Courts increasingly accept the need to identify caste motive with precision, but this insistence can also narrow relief where caste power operates through implication, local control, or embedded social practice rather than explicit words. So, the trend is mixed. Recognition has deepened, but proof thresholds remain demanding.²¹

B. Trends in Interpretation of Consent, Credibility, and Testimony

On consent and credibility, the stronger judicial line remains survivor-protective. The Supreme Court has repeatedly held that the testimony of the prosecutrix does not require corroboration as a rule of law if it inspires confidence. *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384 remains central. The Court warned against testing the victim's account by unrealistic expectations or by patriarchal suspicion. Later decisions have repeated that conviction may rest on the sole testimony of the prosecutrix when it is cogent and trustworthy. This trend has direct significance for Dalit women because caste and gender prejudice often combine to undermine credibility at the trial stage. A jurisprudence that gives full evidentiary weight to the victim's own account acts as a partial corrective to that bias, though trial courts do not always apply the rule with consistency.²²

Yet courts also continue to reveal unevenness in how they read testimony. In some cases, they remain alive to trauma, fear, and social pressure. In others, they become over-responsive to minor inconsistencies. This becomes serious in cases involving Dalit women because delay, hesitation, fragmented recall, and social intimidation are not accidental features. They are often products of domination itself. The Supreme Court in *Aparna Bhat v. State of Madhya Pradesh*, (2021) 16 SCC 179 criticised the use of gender stereotypes in judicial reasoning and insisted that courts should not reproduce harmful assumptions while dealing with sexual offences. Although that case did not arise specifically from caste violence, its importance here is obvious. Once stereotype enters

²¹ Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710.

²² State of Punjab v. Gurmit Singh, (1996) 2 SCC 384.

reasoning, caste hierarchy can silently combine with gender myth and distort findings on consent, resistance, and character.²³

C. Approach of Courts to Delay in FIR, Medical Evidence, and Corroboration

Judicial treatment of delay in lodging the FIR has become more realistic over time. In *State of Punjab v. Gurmit Singh*, the Supreme Court clearly stated that delay in sexual offence cases may arise from trauma, social stigma, family hesitation, and fear of reputational harm. Later cases have repeated the same logic and have disapproved acquittals based solely on delay without examining the explanation offered by the victim or her family. This trend is especially relevant in cases involving Dalit women. Delay may reflect not only shame or trauma, but also fear of dominant-caste reprisals, police reluctance, local compromise pressure, and economic dependency. Where courts appreciate that wider social reality, they move closer to substantive justice. Where they demand immediate reporting as though parties stand on equal social footing, they reproduce structural inequality inside procedure.²⁴

Courts have also moved away from excessive dependence on medical corroboration. The Supreme Court has repeatedly held that absence of injuries, intact hymen, or lack of marks of struggle does not by itself negate rape. Modern rape jurisprudence recognises that resistance is not a legal prerequisite and that medical evidence is corroborative, not conclusive. This line appears in authorities such as *Wahid Khan v. State of Madhya Pradesh*, (2010) 2 SCC 9, and has been reiterated in later judgments. The shift matters greatly for Dalit women because older evidentiary habits often treated the body as the sole proving site and ignored coercion, fear, threat, social vulnerability, and power asymmetry. A court that understands penetration, lack of consent, and trauma without insisting on dramatic physical signs is more likely to produce a fair result.²⁵

²³ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 16 SCC 179.

²⁴ *Satpal Singh v. State of Haryana*, (2017) 8 SCC 714.

²⁵ *Wahid Khan v. State of Madhya Pradesh*, (2010) 2 SCC 9.

D. Bail, Conviction, Sentencing, and Appellate Review Patterns

Bail jurisprudence under the SC/ST Act shows another judicial pattern. The Supreme Court in *Vilas Pandurang Pawar v. State of Maharashtra*, (2012) 8 SCC 795 took a strict view of anticipatory bail where the statute creates a bar and the complaint discloses a prima facie offence. That position was later clarified in *Prathvi Raj Chauhan v. Union of India*, (2020) 4 SCC 727, where the Court upheld the statutory framework while noting that if no prima facie case exists, the bar need not operate mechanically. The result is a calibrated model rather than an absolute one. In cases of sexual violence against Dalit women, this has two consequences. First, courts are expected to screen for prima facie caste-targeted violence with care. Second, they must avoid mini-trials at the bail stage because early disbelief can destroy the prosecution before evidence is led.²⁶

Conviction and appellate review patterns reveal both progress and fragility. Appellate courts often restate that minor contradictions do not justify acquittal and that the testimony of the victim can sustain conviction. Even so, reversals still occur where trial courts or appellate courts treat omissions, delayed reporting, or absence of strong medical corroboration as fatal. This inconsistency matters in caste-based sexual violence, where social intimidation can shape every stage from complaint to deposition. Official parliamentary material based on NCRB data also shows the continuing scale of crimes against Scheduled Caste women and the persistence of rape cases against Scheduled Castes across states, indicating that the judicial system deals with a recurring, not isolated, phenomenon. The broader trend therefore is this: doctrine has become more sensitive, but outcomes still depend heavily on whether the individual court genuinely understands caste, trauma, and structural vulnerability as evidentiary realities rather than as background noise.²⁷

²⁶ Prathvi Raj Chauhan v. Union of India, (2020) 4 SCC 727.

²⁷ Ministry of Home Affairs, Government of India, Lok Sabha Unstarred Question No. 1363, Answered on Feb. 11, 2025, Annexure-II, <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2025-pdfs/LS11022025/1363.pdf> (last visited Apr. 10, 2026).

VII. CRITICAL EVALUATION OF JUDICIAL RESPONSES

A. Progressive Developments in Judicial Reasoning

A visible advance in judicial reasoning lies in the gradual movement from a single-axis understanding of rape to an intersectional reading of harm. *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225 stands out because the Supreme Court did not treat caste as a decorative fact. It treated caste, gender, and disability as interacting grounds of oppression. That matters in cases involving Dalit women because sexual violence in such contexts often carries a social message of domination, punishment, and humiliation. The judgment also clarified that under section 3(2)(v) of the SC/ST Act, caste need not be the sole reason for the offence. It is enough if caste identity is one of the grounds for the occurrence of the crime. This is a strong doctrinal shift. It widens judicial vision and brings legal analysis closer to social reality.²⁸

Another progressive development lies in the Court's refusal to permit stereotyped judicial behaviour in sexual offence cases. In *Aparna Bhat v. State of Madhya Pradesh*, (2021) 16 SCC 179, the Supreme Court rejected paternalistic bail conditions and warned courts against importing misogynistic assumptions into adjudication. The importance of that ruling for Dalit women is deeper than it first appears. Where caste and gender prejudice operate together, the courtroom can become another site of humiliation. A judge who trivialises the offence, moralises the survivor's conduct, or pushes symbolic compromise weakens the constitutional promise of dignity. *Aparna Bhat* therefore marks an important normative correction. It does not solve caste blindness by itself, but it does insist that judicial language and courtroom logic must not aggravate the violence already suffered.²⁹

B. Persisting Gaps: Stereotypes, Evidentiary Burdens, and Under-Enforcement

Even with these advances, serious gaps remain. Courts still sometimes demand a level of caste-proof that does not fit how caste power actually works. Decisions such as *Hitesh*

²⁸ *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225.

²⁹ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 16 SCC 179.

Verma v. State of Uttarakhand, (2020) 10 SCC 710 and *Khuman Singh v. State of Madhya Pradesh*, (2020) 18 SCC 763 emphasise that the offence must be shown to have been committed on the ground that the victim belonged to a Scheduled Caste or Scheduled Tribe. In principle that insistence guards against over-extension. In practice, however, it can become too narrow where caste domination operates through local power, labour dependence, land conflict, public silence, or coded humiliation rather than explicit verbal references. Sexual violence against Dalit women often emerges from precisely such embedded structures. So the judicial challenge is not simply to ask whether caste was spoken, but whether caste shaped the offence, the setting, the vulnerability, and the intimidation around it. That fuller inquiry is still uneven.³⁰

Evidentiary burdens also continue to press unfairly upon survivors, despite clear doctrinal safeguards. Appellate courts often repeat that the sole testimony of the prosecutrix can sustain conviction, that delay in FIR is not fatal, and that medical corroboration is not a legal prerequisite. Yet at the trial level, minor inconsistencies, delayed disclosure, absence of visible injuries, or fragmented narration still too often invite distrust. For Dalit women this problem is sharper because fear of dominant-caste retaliation, dependence on local structures, and police reluctance can themselves produce delay and uneven narration. When a court treats these facts as signs of falsity rather than as effects of structural violence, the evidentiary burden silently shifts back onto the survivor. The law says one thing. Courtroom instinct sometimes says another, and that gap is where many prosecutions weaken.³¹

C. Implementation Deficits in Investigation, Prosecution, and Witness Protection

The gravest weakness lies not always in appellate doctrine but in implementation. The SC/ST Act was specifically strengthened to address this. Section 15A creates enforceable rights for victims and witnesses, including the right to be heard at bail and sentencing stages, the right to protection, and the right to information and assistance. Sections 14 and

³⁰ Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710.

³¹ State of Punjab v. Gurmit Singh, (1996) 2 SCC 384.

15 provide for Special Courts and Special Public Prosecutors. Section 18A removes the barrier of preliminary enquiry before FIR registration in offences under the Act. Yet the very need for these provisions reveals the systemic problem. Investigation in atrocity cases has often been delayed, diluted, or steered away from caste. Charges under the SC/ST Act are at times omitted at the initial stage. Prosecutorial follow-through can be weak. Witness protection remains more promised than delivered in many districts. So the statute is structurally aware, but the administrative response is still patchy and often fragile.³²

This institutional failure becomes stark in cases where higher courts later uncover serious defects in the original investigation. The Supreme Court's treatment of the Bilkis Bano matter records how the Bombay High Court found that the earlier investigation had taken the case in the wrong direction from the very beginning and had shown intentional laxity, omissions, contradictions and falsehood. That observation is significant for this research area because it demonstrates a larger truth. Sexual violence against marginalised women does not fail only because of weak legal rules. It fails because investigation can be compromised, medical and documentary trails can be mishandled, and state actors can shield rather than pursue accountability. Once that happens, even a strong statute enters court with damaged facts. The burden then falls on the survivor to overcome an already weakened record, which is deeply unjust.³³

The available official data also supports a cautious but firm critique of under-enforcement. In February 2025, the Union Government informed Parliament that the latest published NCRB report remained the 2022 report, and it separately tabulated cases registered against Scheduled Caste women and Scheduled Tribe women for 2020 to 2022. The same reply listed legislative and administrative steps such as Exclusive Special Courts, Exclusive Special Public Prosecutors, removal of preliminary enquiry before FIR, and the National Helpline against Atrocities. This is telling. The State itself presents

³² Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, §§ 14, 15, 15A, 18A, No. 33, Acts of Parliament, 1989 (India).

³³ *Bilkis Yakub Rasool v. Union of India*, 2024 INSC 12.

institutional strengthening as necessary because ordinary enforcement has not been enough. Continued registration of large numbers of cases involving SC women, alongside repeated emphasis on better reporting, court specialisation, and police sensitisation, suggests that the justice gap is not marginal. It is systemic, and courts cannot ignore that context when they assess delay, credibility, or prosecutorial weakness.³⁴

VIII. KEY CHALLENGES AND REFORM IMPERATIVES

A. Need for Intersectional Judicial Sensitivity

Courts need a sharper intersectional method when they read sexual violence against Dalit women. A purely gender-based lens is too thin. A purely caste-based lens is also too thin. The injury usually emerges from the joint operation of caste hierarchy, sexual domination, local dependence, and institutional silence. The Supreme Court in *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225, moved in the right direction by recognising intersectionality as a judicially relevant method. That reasoning should not remain exceptional. Trial courts, Special Courts, and appellate courts should treat caste context as part of fact analysis, not as background narrative. This matters when the court evaluates motive, intimidation, delay, vulnerability, and the social meaning of the assault. Without that sensitivity, formal equality starts looking neutral while actually missing the structure of the harm.³⁵

Intersectional judicial sensitivity also requires disciplined courtroom language. Judges should avoid moral commentary, false equivalence, and assumptions about how a “credible” survivor must behave. The Supreme Court in *Aparna Bhat v. State of Madhya Pradesh*, (2021) 16 SCC 179, warned against stereotyping in sexual offence adjudication. For Dalit women, the risk is even greater because gender stereotypes may combine with

³⁴ Ministry of Home Affairs, Government of India, Lok Sabha Unstarred Question No. 1363, Answered on Feb. 11, 2025, <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2025-pdfs/LS11022025/1363.pdf> (last visited Apr. 10, 2026).

³⁵ *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225.

caste prejudice and produce a double discounting of testimony. Judicial training therefore should specifically address caste-coded humiliation, labour dependence, social boycott, threats by dominant groups, and fear of retaliation at every procedural stage. A sensitive court does not lower standards of proof. It improves standards of understanding, which is very different.³⁶

B. Strengthening Atrocity Law Enforcement and Criminal Justice Response

The next reform imperative lies in enforcement of the SC/ST (Prevention of Atrocities) Act, 1989 as a living statute rather than a symbolic add-on. The Act already contains strong tools. Section 3 addresses caste-targeted offences, including sexual misconduct under section 3(1)(w). Sections 14 and 15 provide for Special Courts and Special Public Prosecutors. Section 15A recognises victim and witness rights. Section 18A clarifies that no preliminary enquiry is required for registration of the FIR in offences under the Act. Yet these protections lose force when police dilute caste allegations at the first stage, fail to invoke the proper provisions, or treat the case as an ordinary offence under general criminal law alone. Reform must therefore focus on mandatory caste-sensitive charging review, early supervisory scrutiny by senior officers, and recorded reasons whenever SC/ST Act provisions are omitted in a fact situation that appears to attract them.³⁷

The general criminal justice response also needs tighter alignment with the present statutory framework under the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhinyam, 2023. BNSS section 173 requires woman-led recording of information in specified sexual offences and adds special protections where the victim is mentally or physically disabled. BNSS section 183 requires early recording of the victim's statement by a Magistrate. BNSS provisions on victim compensation, free treatment, and witness protection should be used in a far more integrated manner. BSA section 120 preserves the presumption as to absence of consent in certain rape prosecutions, and section 149 bars the use of the victim's sexual history to

³⁶ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 16 SCC 179.

³⁷ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, §§ 3(1)(w), 14, 15A, 18A, No. 33, Acts of Parliament, 1989 (India).

prove consent. Reform, therefore, does not depend only on new legislation. It depends on using the present law as designed, and using it early enough before the evidentiary record is damaged.³⁸

C. Institutional Reforms for Survivor-Centric Justice

A survivor-centric model requires institutional, not merely doctrinal, repair. Section 15A of the SC/ST Act already promises fairness, dignity, timely notice of proceedings, the right to be heard at bail and sentencing stages, protection against intimidation, travelling and maintenance expenses, socio-economic rehabilitation, and relocation where necessary. In practice, many survivors still face informational exclusion, weak legal assistance, hostile local pressure, and poor follow-up after FIR registration. A meaningful reform model would require district-level victim liaison units attached to Special Courts, compulsory communication of bail dates and filing status, automatic legal aid linkage, and periodic judicial review of protection measures. Video recording of proceedings under the Act and same-day recording of intimidation complaints should also be monitored more strictly. The law already points in this direction. Administration has been slower than the text.³⁹

The need for reform is not theoretical. Recent parliamentary material from the Ministry of Home Affairs, drawing on NCRB data, stated in February 2025 that the latest published *Crime in India* report remained the 2022 report and gave state-wise figures of crimes against Scheduled Castes and Scheduled Tribes for 2020 to 2022. The same reply highlighted functioning of Exclusive Special Courts, relief and rehabilitation, and other implementation measures. That combination is telling. Persistent case volume alongside repeated institutional advisories suggests that enforcement gaps remain systemic. A survivor-centric justice framework for Dalit women must therefore combine judicial sensitivity, strong first-response policing, accountable prosecution, protection against

³⁸ Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 173, 183, 395-398, No. 46, Acts of Parliament, 2023 (India); Bharatiya Sakshya Adhiniyam, 2023, §§ 120, 149, No. 47, Acts of Parliament, 2023 (India).

³⁹ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, § 15A, No. 33, Acts of Parliament, 1989 (India).

coercion, and rehabilitation that begins during investigation rather than after judgment. Otherwise the legal process itself becomes another arena of attrition.⁴⁰

IX. CONCLUSION

A. Findings of the Study

The study finds that sexual violence against Dalit women cannot be understood as an ordinary offence against bodily integrity alone. It is often a caste-marked act of domination, social control, humiliation, and retaliation. The constitutional structure under Articles 14, 15, 17 and 21 requires courts to read such violence through equality, dignity, non-discrimination, and life together, not in fragments. The present statutory position also confirms this layered framework. Sexual offences now fall under the Bharatiya Nyaya Sanhita, 2023, while caste-targeted atrocity provisions and victim-witness protections continue under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.⁴¹

The study further finds that judicial doctrine has moved, though unevenly, toward a more realistic understanding of compounded marginalisation. *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225 is the clearest marker of that movement because the Supreme Court expressly engaged with intersectionality and refused to isolate the offence from the victim's social location. That development is doctrinally significant. It allows adjudication to see caste and gender as interacting forces rather than parallel labels. Yet the same judicial field still shows hesitation where caste motive is not stated in explicit words, even though caste power often operates through structure, dependency, and implied threat rather than direct verbal declaration.⁴²

⁴⁰ Ministry of Home Affairs, Government of India, Lok Sabha Unstarred Question No. 1363, Answered on Feb. 11, 2025, <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2025-pdfs/LS11022025/1363.pdf> (last visited Apr. 10, 2026).

⁴¹ Bharatiya Nyaya Sanhita, 2023, §§ 63-79, No. 45, Acts of Parliament, 2023 (India); Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33, Acts of Parliament, 1989 (India).

⁴² *Patan Jamal Vali v. State of Andhra Pradesh*, (2021) 16 SCC 225.

Another core finding is that the law on consent, testimony, delay in FIR, and corroboration is, on paper, considerably stronger than many actual courtroom outcomes. Current evidentiary rules under the Bharatiya Sakshya Adhiniyam, 2023 reject reliance on prior sexual history to prove consent, and the broader criminal process under the Bharatiya Nagarik Suraksha Sanhita, 2023 provides victim-sensitive safeguards for recording information, statements, medical examination, compensation, and witness protection. Even so, implementation remains inconsistent. Trial practice can still overvalue medical silence, overreact to minor contradictions, or treat delayed reporting with suspicion despite the social realities surrounding caste-based sexual violence.⁴³

B. Concluding Observations and Suggestions

A major concluding observation is that the principal weakness today lies less in total absence of legal norms and more in under-enforcement, shallow social reading, and institutional fatigue. The SC/ST Act already provides Special Courts, victim and witness rights, rehabilitation duties, and a framework meant to respond to intimidation and social vulnerability. The current criminal law statutes also contain a wide enough architecture to address rape, aggravated sexual offences, humiliating sexual conduct, and procedural protection. Still, where police fail to invoke atrocity provisions at the first stage, where prosecutors do not pursue the caste dimension with seriousness, or where courts treat structural intimidation as irrelevant, the law arrives in court already weakened.⁴⁴

The final suggestion that emerges from the study is precise. Courts should adopt intersectional judicial sensitivity as a standard method, not an exceptional flourish. Investigating agencies should face stricter scrutiny when SC/ST Act provisions are omitted or diluted. Special Courts should actively enforce victim notice, hearing, protection, and rehabilitation rights under section 15A. Prosecutorial practice should become more survivor-centred and caste-aware. Judicial education should directly

⁴³ Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 173, 183, 184, 395-398, No. 46, Acts of Parliament, 2023 (India); Bharatiya Sakshya Adhiniyam, 2023, §§ 120, 149, No. 47, Acts of Parliament, 2023 (India).

⁴⁴ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, §§ 14, 15A, 18A, No. 33, Acts of Parliament, 1989 (India).

address caste-coded humiliation, stereotype-based reasoning, and the evidentiary effects of fear, delay, and dependency. Official parliamentary material relying on NCRB data shows that crimes against Scheduled Castes and Scheduled Tribes remain a continuing national concern, and that the State itself still stresses Exclusive Special Courts, relief, rehabilitation, and implementation measures. That makes reform not optional but urgent, and still unfinished.⁴⁵

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⁴⁵ Ministry of Home Affairs, Government of India, Lok Sabha Unstarred Question No. 1363, Answered on Feb. 11, 2025, <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2025-pdfs/LS11022025/1363.pdf> (last visited Apr. 10, 2026).

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